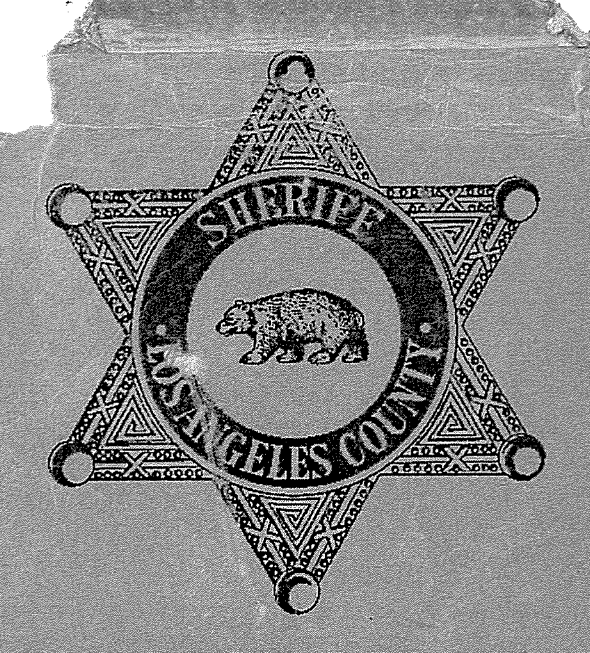
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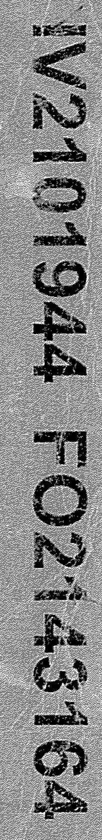
LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

INCIDENT DATE: October 10, 2003

INVESTIGATION INITIATED DATE (Based on District Attorney's Decision):September 22, 2004

INTERNAL AFFAIRS BUREAU INVESTIGATIVE REPORT

CONFIDENTIAL



[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: December 15, 2005

OFFICE CORRESPONDENCE

FILE NO. **IAB 2101944**

FROM: LINDA HEMINGWAY, SOAI
INTERNAL AFFAIRS BUREAU

TO: BRUCE J. POLLACK, CAPTAIN
PERSONNEL ADMINISTRATION

ATTN: DARLENE TORREGANO, PAYROLL

SUBJECT: **DISCIPLINARY ACTION - SUSPENSION**

Please verify and/or adjust payroll records to reflect the following:

SUBJECT NAME: **DANIEL MORRIS**

EMPLOYEE NO.: [redacted]

ITEM NAME/NO. **DEPUTY SHERIFF, 2708A**

UOA/DIV: **OPERATIONS SAFE STREETS BUREAU/ OFFICE OF HOMELAND SECURITY**

DATE OF LETTER: **DECEMBER 3, 2005**

DISCIPLINE: **FIFTEEN (15) DAYS**

EFFECTIVE DATE(S): **DECEMBER 6, 2005 THOUGH DECEMBER 20, 2005**

RECEIVED BY:

Drucilla Morris — 12-19-05

PAYROLL (SIGNATURE) — DATE

Drucilla Morris

PAYROLL (PRINT NAME)

****** PLEASE RETURN ALL SIGNED RECEIPTS TO TAJUANA MOORE OF INTERNAL AFFAIRS BUREAU AS SOON AS POSSIBLE*****

761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: December 15, 2005

OFFICE CORRESPONDENCE

FILE NO. **IAB 2101944**

FROM: LINDA HEMINGWAY, SOAI
INTERNAL AFFAIRS BUREAU

TO: BRUCE J. POLLACK, CAPTAIN
PERSONNEL ADMINISTRATION

ATTN: CATHY STAPLETON, PERSONNEL

SUBJECT: **DISCIPLINARY ACTION - SUSPENSION**

Please verify and/or adjust payroll records to reflect the following:

SUBJECT NAME: **DANIEL MORRIS**

EMPLOYEE NO.: [redacted]

ITEM NAME/NO. **DEPUTY SHERIFF, 2708A**

UNIT/DIVISION: **OPERATIONS SAFE STREETS BUREAU/ OFFICE OF HOMELAND SECURITY**

DATE OF LETTER: **DECEMBER 3, 2005**

DISCIPLINE: **FIFTEEN (15) DAYS**

EFFECTIVE DATE(S): **DECEMBER 6, 2005 THOUGH DECEMBER 20, 2005**

RECEIVED BY:

Drucilla Morris — 12-19-05

PERSONNEL(SIGNATURE) — DATE

Drucilla Morris

PERSONNEL (PRINT NAME)

****** PLEASE RETURN ALL SIGNED RECEIPTS TO TAJUANA MOORE OF INTERNAL AFFAIRS BUREAU AS SOON AS POSSIBLE*****

TIMEKEEPING NOTIFICATION

Please return this form with the ORIGINAL signed employee signature page AND the Admonition and Receipt (when applicable) with all the necessary signatures to:

INTERNAL AFFAIRS BUREAU
TAJUANA MOORE
4900 S. EASTERN AVE. #100
COMMERCE CA 90040
323-890-5311

CASE NUMBER:	**IAB 2101944**
SUBJECT NAME:	**DANIEL MORRIS,** [redacted]
NUMBER OF SUSPENSION DAYS:	**FIFTEEN (15) DAYS**
SUSPENSION DATE(S):	**DECEMBER 6, 2005 THROUGH DECEMBER 20, 2005**
UNIT OF ASSIGNMENT:	**OPERATIONS SAFE STREETS BUREAU**
SIGNATURE OF CAPTAIN/ OPERATIONS LIEUTENANT/ SERGEANT/ OR SUPERVISOR:	SGT LS/L
DATE NOTIFIED:	12/3/05

PLEASE RETURN THIS FORM TO INTERNAL AFFAIRS BUREAU WITHIN TWO (2) BUSINESS DAYS

SUSPENSION
ADMONITION AND RECEIPT

12/3/05
(Date)

Upon the occasion of being suspended from duty on this date 12/3/05, at __hours, **Daniel Morris**, Employee #[redacted]assigned **Operations Safe Streets Bureau, Office of Homeland Security**, surrendered the following items of County property:

- ☑ Firearm: Serial # BRR0311812,
- ☐ Pin on Badge # 7629,
- ☑ ID Card and Flat Badge # 7629.

Employee: **Daniel Morris** has been instructed and cautioned that action in the capacity of a Los Angeles County Deputy Sheriff, along with the carrying of a concealed firearm, is prohibited until reinstatement to duty status.

RECEIVED BY:

LSK

ACKNOWLEDGED BY:

LSK

c: Subject
Unit
IAB (Original)



County of Los Angeles

Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

December 3, 2005

Deputy Daniel Morris, [redacted]

Dear Deputy Morris:

On September 21, 2005, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2101944. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. After reviewing the response submitted to support your position, the Department executives have amended the recommended discipline.

You are hereby notified that you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of thirty (30) days. However, pursuant to a settlement agreement between you and the Department, fifteen (15) of the thirty (30) days will be held in abeyance for a period of twelve (12) months which will end on October 20, 2006. If you should become the Subject of a founded administrative investigation, with similar violations, and the event occurred within the prescribed twelve (12) month time period, the fifteen (15) days held in abeyance will be imposed. Additionally, you will be subject to further discipline for each and every founded violation of the Department's Manual of Policy and Procedures. All Departmental records will reflect, nevertheless, that you received a thirty (30) day suspension.

The effective dates for the remaining fifteen (15) day suspension are from December 6, 2005 through December 20, 2005.

An investigation under File Number IAB 2101944, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (*specifically as it relates to Manual Sections 5-09/430.00, Use of Force, Reporting and Review*

Procedures); and/or 3-01/040.70, False Statements, on or about October 10, 2003, at the terminus of a vehicle pursuit with Pico Rivera Station units, you used force and/or witnessed the use of force upon Suspect Fernando Melendez Galaz and did not immediately report that force to the field sergeant. When advised by Sergeant [redacted] and Lieutenant [redacted] that based on physical evidence and the suspect's statements, they believed that force had been used, you again denied using force. You subsequently met with the other Subject deputies in the station parking lot and only then admitted to using necessary force to take the suspect into custody. By your actions, you have brought discredit upon yourself and the Sheriff's Department.

2. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During an Internal Investigation, on or about December 10, 2004, during your subject interview for the administrative investigation, you made false and/or misleading and/or self-serving statements and/or conspired with others to concoct a version of events to minimize your individual culpability in this incident regarding the use of force and/or subsequent failure to report the use of force.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Michael A. Ford, Captain
Commander, Operations Safe Streets Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.



MAF:KM:tm

c: Advocacy Unit
Sandra Hutchens, Chief, Office of Homeland Security
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Operations Safe Streets Bureau/unit Personnel File

3-01/030.05 General Behavior

A member shall not act or behave privately or officially in such a manner as to bring discredit upon himself or the Department.

3-01/030.10 Obedience to Laws, Regulations, and Orders

Members shall not willfully violate any federal statute, State law, or local ordinance.

Members shall conform to and abide by the following:
. Charter of Los Angeles County
. Los Angeles County Code
. Rules of the County Office of Human Resources

Members shall obey and properly execute all lawful orders issued by any supervisor of higher rank or classification or who is officially acting in such capacity.

When assigned to duty with another member of the Department, an employee shall be subject to disciplinary action for any violation by the other member of any provision of this Chapter unless the employee was unaware of the violation or unless the employee, if the situation permits safe and prudent action, attempts in good faith to prevent the violation, and, at the earliest reasonable time, reports the violation to his supervisor.

Members who violate any rules, regulations, or policies of the Department or the County shall be subject to disciplinary action. The commission or omission of any other act contrary to good order and discipline shall also be the subject of disciplinary action.

Members who are arrested for any offense, other than an infraction under the Vehicle Code, shall promptly notify their immediate supervisor of the facts of the arrest.

According to the nature of the offense, and in conformance with the rules of the County Office of Human Resources, disciplinary action may include, but is not limited to, the following:

- A reprimand (written) *
- Suspension without pay
- Reduction in rank
- Dismissal from the Department

5-09/430.00 Use Of Force Reporting And Review Procedures

Any use of force which is greater than that required for unresisted Department-approved searching or handcuffing must be reported. Additionally, any use of force which results in an injury or complaint of pain must be reported.

Responsibilities for Reporting the Use of Force

Members shall immediately make a verbal notification to their immediate supervisor (in this section, "supervisor" refers to a minimum rank of sergeant) in all cases in which they use reportable force. Members witnessing reportable force shall immediately advise their supervisor, who will determine whether a separate report by the witness(es) is required.

3-01/040.70 False Statements

Members shall not make false statements when questioned, interviewed, or in reports submitted.

Whenever an incident involving reportable force requires a first report, all details regarding the use of force shall be included in the report. A reference to the verbal notification and the name of the supervisor to whom it was made shall be included in the first report. Each assisting member who used force, including partners, shall submit a separate supplementary report detailing his actions.

Each member reporting force or memorandum shall describe in detail the actions of the suspect necessitating the use of force and the specific force used in response to the suspect's actions. Any injuries or complaint of injuries, and any medical treatment or refusal of medical treatment, shall be documented in the first report, supplementary reports or memoranda.

Transporting Suspects

Whenever a suspect on whom force was used is transported to a medical facility for examination or treatment prior to booking or housing in a custody facility, the transportating deputy shall immediately advise the field sergeant or immediate supervisor. The sergeant shall immediately advise the watch commander or supervising lieutenant that the suspect is being treated or examined following a deputy's use of force.

When a suspect must be transported from the field directly to County-USC Medical Center, IRC or SBI for booking, the watch commander or supervising lieutenant shall arrange to conduct the prisoner interview at the booking site, according to the procedures outlined in the sub-section entitled "Watch Commander's Responsibilities."

Medical Treatment

A suspect must be transported to a medical facility for examination/treatment by qualified medical personnel whenever:

- He strikes his head on a hard object, or sustains a blow to the head/face, as a result of the application of force by a deputy, regardless of how minor any injury to the head/face may appear. The deputy transporting the suspect shall inform the doctor that the suspect was struck on the head or struck his head,
- He is restrained with a carotid restraint, or any kind of neck/throat restraint, whether or not he is rendered unconscious. The deputy transporting the suspect shall inform the medical staff of the fact that the suspect was restrained with a carotid restraint whether or not he was rendered unconscious,
- He is hit with a specialized weapon projectile (such as an Arwen round, Taser dart, Stunbag, etc.),
- He is sprayed with Oleoresin Capisicum spray (unless qualified medical clearance is obtained in the field),
- He has injuries that appear to require medical treatment,
- He alleges any injury and requests medical treatment, whether or not he has any apparent injuries,
- He alleges that substantial force was used against him, whether or not he has any apparent injuries or requests medical treatment.

Any doubt regarding the need for medical treatment shall be resolved by transporting the suspect to an appropriate medical facility.

If the suspect refuses medical treatment in any of the cases previously described, he shall be transported to a medical facility and required to personally inform the medical staff of his refusal to receive medical treatment. The deputy transporting the suspect shall include in the appropriate report or memorandum the name of the medical personnel to whom the suspect indicated his refusal and the name of the medical staff member authorizing booking at the station or regular jail housing. In addition, an effort should be made to have the medical staff complete an admission report on the suspect and to indicate the suspect's refusal of medical treatment on that report.

If the medical staff indicates that the suspect should be treated despite his refusal, the suspect shall be transported to the County-USC Medical Center Jail Ward or to the appropriate Custody Division medical facility for treatment or medical review.

Immediate Supervisor's Responsibilities

The field sergeant or immediate supervisor shall respond without unnecessary delay to any incident involving reportable force, and shall immediately advise the watch commander or supervising lieutenant of any significant force incident.

Reportable force is significant when it involves any of the following:

- Suspect injury resulting from use of force,
- Complaint of pain or injury resulting from use of force,
- Indication or allegation of misconduct in the application of force,
- Any application of force that is greater than a Department-approved control hold or come-along. This includes the use of the hobble restraint in the total appendage restraint procedure.

In instances of significant force, the field sergeant or immediate supervisor shall do the following:

- Locate and interview all potential witnesses, including Department personnel, and document their statements, including those who could have witnessed but claim not to have witnessed the incident. In situations involving very large numbers of potential witnesses, the watch commander, or in the case of a PSTD Response Team rollout, the team lieutenant, shall determine the appropriate scope of the witness canvass necessary to sufficiently document the force incident,
- Photograph the scene in conditions as near as possible to those at the time of the force incident, if appropriate,
- Complete a "Supervisor's Report, Use of Force" (SH-R-438) for each member who used force,
- Interview the attending physician or other qualified medical personnel, when the suspect is taken to a medical facility for examination, as to the extent and nature of the suspect's injuries, or lack thereof, and whether the injuries are consistent with the degree of force reported,
- Photograph the deputies' injuries, if appropriate.

If the force used falls into one of the categories requiring a Professional Standards and Training Division Response Team, the sergeant's or immediate supervisor's function shall be limited to notifying the watch commander, identifying and interviewing witnesses and preserving the scene and evidence as appropriate.

Reportable force is less significant when it is limited to any of the following and there is no injury or complaint of pain nor any indication of misconduct:

- Searching and handcuffing techniques resisted by the suspect,
- Department-approved control holds or come-alongs,
- Use of the hobble restraint,
- Use of O.C. spray,

Use of O.C. Spray is not considered significant force if it causes only discomfort and does not involve injury or lasting pain. In these cases, the field sergeant or immediate supervisor shall:

- Advise the watch commander or supervising lieutenant as soon as possible,
- Interview the person/prisoner if practical,
- Complete a "Supervisor's Report, Use of Force" (SH-R-438) for each member who used force and include a narrative briefly documenting the circumstances and synopsizing any statements acquired,
- Ensure distribution of the SH-R-438 as indicated on the form.

Watch Commander/Supervising Lieutenant's Responsibilities

The watch commander or supervising lieutenant shall, with extreme priority, personally examine any suspect/inmate on whom significant force has been used and interview him regarding the incident. When interviewing suspects/inmates regarding use of force incidents, the watch commander shall ask the person if he has any injuries, the nature of the injuries, and if he wants medical treatment. These questions must be asked whether or not the suspect/inmate has any apparent injuries. (Refer to the section entitled "Medical Treatment" for required treatment.) If the suspect is taken to a medical facility for examination or treatment, the watch commander shall ensure that a supervisor interviews the examining physician or qualified medical personnel as to the extent of the injuries, or lack thereof, and whether the injuries are consistent with the degree of force reported.

The watch commander/supervising lieutenant shall tape-record the interview of the suspect/inmate and, if appropriate, photograph him, paying particular attention to any known or alleged areas of injury. (Obtain suspect consent for photographing injuries hidden by clothing.) The watch commander/supervising lieutenant should also consider video-taping the interview when appropriate.

The watch commander/supervising lieutenant shall submit a force review package (see subsection entitled "Force Review Package") to the unit commander as soon as possible detailing the results of his review and his recommendation as to whether further action or investigation is warranted.

Requesting a PSTD Response Team

The watch commander/supervising lieutenant is responsible for immediately notifying the on-call Internal Affairs Bureau lieutenant in any of the following situations involving force or allegations thereof:

- Hospitalizations due to injuries caused or allegedly caused by any Department member,
- Skeletal fractures caused or allegedly caused by any Department member,

- Significant force used by any Department member during or following a vehicular or foot pursuit,
- All large party situations where force is used,
- Injury or complaint of injury to a person's head, resulting in hospital treatment, following contact with any Department member. (This does not apply to contamination due to O.C. spray.),
- All head strikes with impact weapons,
- Canine bites resulting in medical treatment,
- Any death following a contact with any Department member.

The Internal Affairs Bureau lieutenant shall determine whether the response of a Professional Standards and Training Division response team is appropriate. If a response team is to be sent, the Internal Affairs Bureau lieutenant shall direct the watch commander/supervising lieutenant as to whether to conduct a suspect/inmate interview.

The watch commander/supervising lieutenant shall immediately notify the unit commander of any incident requiring a Professional Standards and Training Division response. (See section entitled "Professional Standards and Training Response Teams.")

In any situation in which a response team responds to conduct a force review, the watch commander/supervising lieutenant shall cooperate with and assist team personnel in conducting the review. Neither the watch commander/supervising lieutenant nor the sergeant shall conduct a suspect/inmate interview unless directed to do so by the Internal Affairs Bureau lieutenant. A unit level force review package shall not be submitted on any force incident which is documented by PSTD team personnel who have responded to the scene.

Watch Sergeant/Line Sergeant's Responsibilities

Sergeants approving reports shall ensure that all pertinent information is contained in the crime report. Particular attention should be given to the description of the use of force and the suspect's actions compelling the use of force.

After approving reports involving the use of force, the sergeant shall ensure that a photocopy of the approved crime report is forwarded immediately to the concerned watch commander for inclusion in the force review package.

Force Review Package

The watch commander/supervising lieutenant shall prepare and submit a force review package to the unit commander for all reviews of significant force not conducted by a PSTD response team. The force review package shall include the following items:

- Watch commander's memorandum to the unit commander detailing the findings of the use of force review, including an explanation of the incident, witness/suspect statements and qualified medical personnel's statement,
- Supervisor's Reports, Use of Force,
- Copy of SH-R-49 and related supplemental reports,
- Copy of in-service rosters for the concerned shift(s),
- Copy of medical reports,
- Photographs or video-tape of suspect's injuries or areas of alleged injury (copies of booking photographs may also provide excellent documentation),

- Tape-recording or video-tape of watch commander's interview of suspect, inmate and/or witnesses,
- Tape recording of the sergeant's/supervisors' witness interviews,
- Any related material which is deemed significant or serves to further document the incident, such as dispatch or complaint telephone tapes, other photos, etc.

The force review package shall be forwarded to the unit commander for approval. Force review package material is to be retained at the unit level until further notice.

Unit Commander's Responsibilities

The unit commander shall evaluate all force review packages and the watch commander/supervising lieutenant's findings concerning the use of force. The unit commander shall determine if further action or investigation is necessary. If further investigation is warranted, he may either initiate an administrative investigation or request an investigation by the Internal Criminal Investigations Bureau. The unit commander shall ensure that the member(s) who used force are notified as soon as possible in any case requiring further investigation.

In all use of force incidents wherein the on-call IAB lieutenant is notified or when a suspect or prisoner is transported to a hospital for medical treatment, the unit commander shall forward copies of the following documents to both the division chief and the Internal Affairs Bureau within three business days:

-The watch commander/supervising lieutenant's detailed memos,
-The "Supervisor's Reports, Use of Force,"
-All related SH-R-49 reports.

The unit commander is also responsible for ensuring the additional distribution of the Supervisor's Reports, Use of Force as follows:

-Original to Professional Standards and Training Division Headquarters,
-Copy with Force Review Package,
-Copy to employee.

Division Chief's Responsibilities

The division chief shall, within three business days of receipt, review all use of force incidents in which a suspect or prisoner is transported to a medical facility for treatment. The division chief shall note his concurrence with the unit level force review on the documents and return them to the unit for retention in the unit file. In the event that the division chief does not concur, he may specify to the unit commander the additional steps necessary to satisfactorily complete the package or notify the chief of Professional Standards and Training Division and request an administrative investigation by Internal Affairs Bureau.

Internal Affairs Bureau Responsibilities

Internal Affairs Bureau personnel shall, within three business days of receipt, review all until level force review package documents forwarded by the unit commander. The purpose of the IAB review is to ensure that a disinterested, experienced investigator examines the incident in terms

of policy adherence, potential liability and completeness of documentation. The reviewing IAB investigator shall notify the IAB captain of any incident in which he feels further documentation or investigation is appropriate. The IAB captain will in turn notify the chief of the Professional Standards and Training Division and the concerned unit commander. The chief of the PSTD will notify the concerned division chief of any IAB request for further documentation or investigation.

3-01/040.75 Failure to Make Statements, and/or Making False Statements During Departmental Internal Investigations

If requested to make a statement in the course of an official Department internal investigation, members shall make full, complete, and truthful statements.

Failure or refusal to make statements, or making false statements during Department internal investigations, may result in disciplinary action.

I certify that on the date indicated below, I received the original of the attached **LETTER OF SUSPENSION** under File Number ***IAB 2101944*** as set forth in Section 18.01 of the Rules of the Los Angeles County Civil Service Commission.

12/3/05

DATE

DANIEL MORRIS, [redacted]

I certify that on the date indicated below, I served the original of the attached letter of suspension on ***DANIEL MORRIS*** as set forth in Section 18.01 of the Rules of the Los Angeles County Civil Service Commission.

12/3/05

DATE

WITNESS SIGNATURE

LAVRENCE KNOTT

WITNESS PRINT

Please return this page along with Supervisor/Timekeeper Notification within two (2) business days to:

TAJUANA MOORE
INTERNAL AFFAIRS BUREAU
4900 S. EASTERN AVE. #100
CITY OF COMMERCE CA 90040
[redacted]

RECEIVED

OCT 2 8 2005

EMPLOYEE RELATIONS

SETTLEMENT AGREEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department, hereinafter referred to as "Department," and Deputy Daniel Morris, Employee Number [redacted] hereinafter referred to as "Grievant."

The Department and Grievant are parties to this dispute and desire to settle all issues involved in the Letter of Intent dated September 21, 2005, (IAB No. 2101944) upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, the Department and Grievant for and in consideration of the mutual covenants contained herein, agree as follows:

1. Both parties agree that the thirty (30) day suspension shall stand. The Letter of Imposition shall contain the same charges as the Letter of Intent.

2. The Department will, upon execution of this Agreement, impose fifteen (15) days of the intended thirty (30) day suspension. The remaining fifteen (15) suspension days will be held in abeyance.

3. The Grievant understands that if he becomes the subject of a founded investigation involving similar violations of the Manual of Policy and Procedures, and that if the event resulting in the founded investigation occurred within the twelve (12) month period of the date of execution of this Agreement, the fifteen (15) days held in abeyance shall be imposed. In addition, the Grievant understands that he will be subjected to additional discipline for each and every founded violation of the Department's Manual of Policy and Procedures.

4. Both parties agree and understand that the Grievant's records will reflect that the thirty (30) day suspension was imposed and may be used for the purposes of demonstrating "progressive discipline."

5. The Grievant agrees to withdraw his grievance and waive any and all further administrative or judicial remedies with respect to the Letter of Imposition and the modified discipline, and also waives any administrative or judicial remedies with respect to any imposition pursuant to paragraph three (3), above.

6. The parties further agree that this Settlement shall not be considered, cited, or used in future disputes as establishing past precedent or past employment practice.

TN 11/3/05

7. In consideration of the terms and conditions set forth herein, Grievant agrees to fully release, acquit and forever discharge the County, and all present and former officers, employees and agents of the County, and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Grievant concerning the subject matter of the grievance referred to herein.

8. The Grievant further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:

> "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

9. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Agreement.

10. The parties agree that the foregoing comprises the entire Agreement between the parties and that there have been no other promises made by any party. Any modification of this Agreement must be in writing.

I have read the foregoing Settlement Agreement, and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

For the Sheriff's Department:

Date: 10-21-05

Daniel Morris, Deputy

Date: 10-21-05

Michael Ford, Captain



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

September 21, 2005

Deputy Daniel Morris, [redacted]

Dear Deputy Morris:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of thirty (30) days.

An investigation under File Number IAB 2101944, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (*specifically as it relates to Manual Sections 5-09/430.00, Use of Force, Reporting and Review Procedures*); and/or 3-01/040.70, False Statements, on or about October 10, 2003, at the terminus of a vehicle pursuit with Pico Rivera Station units, you used force and/or witnessed the use of force upon Suspect Fernando Melendez Galaz and did not immediately report that force to the field sergeant. When advised by Sergeant [redacted] and Lieutenant [redacted] that based on physical evidence and the suspect's statements, they believed that force had been used, you again denied using force. You subsequently met with the other Subject deputies in the station parking lot and only then admitted to using necessary force to take the suspect into custody. By your actions, you have brought discredit upon yourself and the Sheriff's Department.

2. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False

Statements During an Internal Investigation, on or about December 10, 2004, during your subject interview for the administrative investigation, you made false and/or misleading and/or self-serving statements and/or conspired with others to concoct a version of events to minimize your individual culpability in this incident regarding the use of force and/or subsequent failure to report the use of force.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of the incident has been made by Department executives, including your Unit and Division Commanders.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

You may receive a copy of the material on which the discipline is based by contacting Tajuana Moore of the Internal Affairs Bureau at (323) 890-5311, and arranging an appointment during the ten (10) day period in which you may respond.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Michael A. Ford, Captain
Commander, Operations Safe Streets Bureau

MAF:KM:tm

c: Advocacy Unit
Employee Relations Unit
Sandra Hutchens, Chief, Office of Homeland Security
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2101944)

I certify that on the date indicated below, I received the original of the attached Letter of Intent under File Number ***IAB 2101944.***

9-21-05

Date

DANIEL MORRIS, [redacted]

I certify that on the date indicated below, I served the original Letter of Intent to ***DANIEL MORRIS.***

9-21-05

Date

WITNESS SIGNATURE

RAFAEL G. ORNELAS

WITNESS PRINT

Please return this page within two (2) business days to:

TAJUANA MOORE
Internal Affairs Bureau
4900 S. Eastern Ave. #100
Commerce CA 90040
[redacted]

[redacted]

25A - SH-AD-32A (CLEB 3/98)

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
"A Tradition of Service"

DATE: September 13, 2005

DISPOSITION SHEET

FILE NO. IAB 2101944

FROM: SANDRA HUTCHENS, CHIEF
OFFICE OF HOMELAND SECURITY

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **MORRIS, Daniel,** [redacted]
Deputy Sheriff
Operation Safe Streets Bureau
Office of Homeland Security

Upon consideration of the facts developed in this investigation, I have determined that Subject Morris should receive a **THIRTY (30) DAY SUSPENSION** for the reasons set forth in the attached documentation. This decision may be reconsidered based on the employee's response.

Sandra Hutchens, Chief

9/13/05
Date

CASE REVIEWED BY:

Paul K. Tanaka, Assistant Sheriff

R. Doyle Campbell, Assistant Sheriff

Date

Date

Larry L. Waldie
Undersheriff

09-13-05
Date

MORRIS, DANIEL[redacted]
DEPUTY SHERIFF
OPERATION SAFE STREETS BUREAU
OFFICE OF HOMELAND SECURITY **IV 2101944**

The evidence in this investigation supports the following charges:

That in violation of manual section 3-01/030.10, Obedience to Laws, Regulations and Orders referencing sections; 5-09/430 Use of Force Reporting and Review Procedures; and 3-01/040.70 False Statements; on or about October 10, 2003, the Subject was involved in a vehicle pursuit with Pico Rivera Station units. At the terminus of the pursuit the Subject used force upon the suspect and did not immediately report that force to the field sergeant. When the Subject was advised by the sergeant and the lieutenant that based on physical evidence and suspect's statements that they believed force was used, the Subject again denied using force. After the Subject met with other Subjects involved in this incident, in the parking lot of the station, the Subject admitted to using necessary force to take the Subject into custody.

That in violation of manual section 3-01/040.75, False Statements During a Departmental Investigation; during the subsequent administrative investigation, the Subject made false statements to investigators. The Subject conspired with the others to concoct a version of events to minimize their culpability.

The evidence in this investigation does not support the following charges:

Unreasonable Force; 3-01/025.10; The Subject indicates that he used necessary force to affect the arrest of the resistive suspect.

SUMMARY: On October 10, 2003, the Subject was involved in a vehicle pursuit along with his partner, also a Subject of this investigation. At the terminus of the pursuit, the suspect ran a short distance where he was taken into custody. The Subject was involved in the physical arrest of the suspect. Initially, the Subject told the field sergeant that he did not use force to take the suspect into custody. During a debriefing at the station, the Subject, along with other Subjects in this investigation, were confronted with the fact that the lieutenant and sergeant believed that force was in fact used upon the suspect. The Subject did not report the force he used to either supervisor. After a discussion amongst the other Subjects outside of the station, the Subject reported his force to the field sergeant. The Subject indicated the suspect was resisting arrest and told the sergeant he punched the suspect in the left side "several" times until the suspect ceased resistance and was handcuffed by a total of four deputies.

During the subsequent administrative investigation, the Subject made self-serving statements and admitted to making false statements to a supervisor, advising her he did not use force when in actuality he did. The Subject also made false statements during the internal investigation by stating he simply made a "bad decision" in failing to report force

as required. The Subject, and the other Subjects in this investigation, conspired to concoct a version of events which minimized their individual culpability in this incident. Their statements as to the non-reporting of force are virtually the same and amount to a scripted version of the critical events surrounding the use of force and timing of same.

DISCIPLINE ASSESSMENT

Review of Applicable "Guidelines For Discipline" Sections

The Department Guidelines for Discipline lists the following analogous misconduct with associated disciplinary penalties:

Failure to report force	5 - 10 Days Suspension
Untruthful statements to a supervisor	15 - 25 Days Suspension
Untruthful statements during internal investigations	15 - 25 Days Suspension
General Behavior	Written Reprimand to Discharge

ASSESSMENT OF MITIGATING AND AGGRAVATING FACTORS

Severity of Infraction

The Subject used force during an arrest and willfully failed to report it pursuant to policy. When confronted in a group setting, with other Subjects, the Subject again failed to report the use of force, a serious violation.

Mitigating Factors

After being confronted with the ramifications of failing to report his use of force, the Subject admitted to using force and prepared reports detailing his actions.

Aggravating Factor

The Subject chose to violate policy to avoid scrutiny and then proceeded to conspire with others to develop a version more favorable to the group of Subjects involved to insulate certain Subjects from more serious scrutiny.

Intent, Truthfulness and Acceptance of Responsibility

The Subject had several opportunities to report his use of force and only did so when confronted with the seriousness of the actions. The Subject ultimately reported his use of force and prepared reports detailing it. The Subject accepts responsibility for those actions. The Subject's statements to Department investigators were self-serving and sought to minimize exposure to censure. The Subject conspired with others to concoct a version of events to minimize their culpability.

The level of deceit exhibited by the Subject is a serious a violation.

Degree of Culpability:

The Subject was solely responsible for his actions. Collectively, all the subjects involved in this incident conspired to downgrade certain aspects of the incident to protect themselves from disciplinary action.

Past Performance and Disciplinary History:

The Subject has been a Deputy Sheriff for 10 years. The Subject's last two performance evaluations were both very good. The Subject's unit level personnel file has several individual and group commendations.

Disposition

Based upon the foregoing assessment of mitigating and aggravating factors, the following is the penalty to be assessed.

____ Discharge
____ Reduction in rank
_30_ Suspension with loss of pay
____ Written Reprimand
____ No discipline recommended

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

CONFIDENTIAL

Date: April 6, 2005
File: IV 2101944
FO 2143164

OFFICE CORRESPONDENCE

FROM: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

TO: IRMA BECERRA, CAPTAIN
PICO RIVERA STATION

SUBJECT: POSSIBLE MANUAL OF POLICY AND PROCEDURES VIOLATIONS

The following Manual of Policy and Procedures violations relate to the allegations in this case:

Regarding Deputies [redacted] Eric Callahan and Richard Canfield:

3-01/030.10 Obedience to Laws, Regulations and Orders as it relates to:
5-09/430.00 Use of Force Reporting and Review Procedures
3-01/025.00 Use of Force
3-01/025.10 Unreasonable Force
3-01/040.70 False Statements
3-01/040.75 Making False Statements During Departmental Internal Investigations

Regarding Lieutenant [redacted] and Sergeant [redacted]
3-01/050.10 Performance to Standards
3-01/040.97 Safeguarding Persons in Custody

KM:wh

INTERNAL AFFAIRS BUREAU
- Audio/Video Tracking Sheet -

Please Choose One: ☑ IAB ☐ SH ☑ FO # IV 2101944
FO 2143164

Investigator(s) Name: SGT. HINES

____

Total number of video tapes: 1

Total number of audio tapes: 13

Number of tapes: ☐ 30 Minutes ________(Qty) ☐ 45 Minutes ________(Qty)
☑ 60 Minutes 9 (Qty) ☑ 90 Minutes 4 (Qty)
☐ 120 Minutes ________(Qty) ☐ Micro Cassettes ________(Qty)

Dictaphone files:

____

____

____

Date submitted: 4-6-05

INVESTIGATOR'S LOG

((((DO NOT COPY))))

FILE NUMBER:	**IV 2101944** **FO 2143164**
INVESTIGATOR:	**HINES**
DATE DEPARTMENT BECAME AWARE OF ALLEGATION(S):	**10-10-2003**
DATE IAB INVESTIGATION INITIATED BASED ON D.A.'S OPINION :	**09-22-2004**
DATE SENT TO ADVOCACY UNIT:	
DATE RETURNED FROM ADVOCACY UNIT:	
DATE FORWARDED TO FORCE OR RISK REVIEW:	
DATE RETURNED FROM FORCE OR RISK REVIEW:	
DATE TO DIVISION:	4-27-05
DATE RETURNED TO IAB:	

Case involves allegations of Unnecessary Force, Failure to Report the Use of Force, Obedience to Laws, Regulations and Orders, False Statements, & False Statements During a Department Internal Investigation.

DATE	SUMMARY	NAME
10-11-2003	Roll out to Pico Rivera Station regarding an immediate IAB investigation into possible failure to report force. After preliminary investigation the case was turned over to the Internal Criminal Investigations Bureau	Hines/Morejon
10-22-2003	Monitor case and receive Supplemental Report Shell from ICIB in order to complete Supps. on interviews I conducted	Hines
10-27-2003	Start writing Supplemental Report on interviews conducted with Lieutenant [redacted] Sergeant [redacted] and Suspect Galaz	Hines
10-29-2003	Completed Supplemental Report and e-mailed to Lieutenant Kusch for approval	Hines
11-04-2003	Received approved Supplemental Report from Lieutenant Kusch and stored it in case file pending completion of criminal investigation	Hines

11-05-03 to 11-10-2004	Monitored ICIB's criminal investigation of this case; Worked on Table of Contents, Personnel Investigation form, Dividers and information for Investigative Narrative; Obtained Assignment Cards and Training Records on involved deputies	Hines
11-11-2004	Received ICIB's Case Book; D.A.'s Reject Letter dated September 22, 2004	Hines
11-12-2004	Work on other case load	Hines
11-16-2004	Meet with Captain Beccera and directed to move forward with IAB investigation and not to include Sergeant [redacted] or Lieutenant [redacted]	Hines
11-17 thru 11-20-2004	Worked on other case load with time expiration issues	Hines
11-22-2004	Spoke with Captain Ford and also directed to move forward on IAB investigation; Called Peggy at Green & Shinee to arrange interviews with the following Subjects: [redacted] Eric Callahan, Daniel Morris, Arthur Perez and Richard Canfield and she said that she would call back, however, looking at the second week in December, and I explained we needed to conduct interviews ASAP	Hines
11-30-2004	Since I have not heard from Peggy, I called her again and was told that she is off today-left message for her to call me	Hines
12-03-2004	Still have not heard from Peggy at Green and Shinee, I called and was told that Peggy had just returned from vacation and was too busy to talk to me; Told receptionist to have Peggy call me ASAP regarding arranging interviews	Hines
12-06-2004	Called Peggy again and was told that she was out to lunch and again left urgent message for her to call me regarding scheduling interviews	Hines
12-07-2004	Talked to Lt. Johnson regarding difficulty in getting Peggy (Green and Shinee) to schedule interviews; I called the offices of Green and Shinee and asked for Peggy and was told that she would call me back; Peggy called back and [redacted] Callahan and Canfield are scheduled for 12-09-04, starting at 1500 hrs. and Morris and Perez are scheduled for 12-10-04, starting at 1200 hrs.	Hines
12-09-2004	Prepared for interviews; Interviewed Deputies [redacted] Callahan and Canfield; Sent interviews out for transcription	Hines/Morejon

12-10-04	Prepared for interviews; Interviewed Deputies Morris and Perez; Sent interviews out for transcription; Received Request for IAB Investigation from Chief Sandra Hutchens and Chief Marvin Cavanaugh listing Morris, Perez, [redacted] Callahan and Canfield as Subjects and Sergeant [redacted] was added also as a Subject-Potential MPP Violations of Use of Force Reporting, Unreasonable Force, Use of Force and Performance to Standards; Called Pico Station to speak with Sergeant [redacted] to arrange interview-she works PM shift-left message	Hines/Morejon
12-14-04	Met with Sergeant Schram (ICIB) and obtained copies of Sergeant [redacted] interviews and sent out for transcription since she is now a Subject and requires a copy of the transcription	Hines
12-22-04	Received transcribed interviews of Perez, Canfield, Morris & [redacted] and first interviews of Sergeant [redacted]	Hines
12-23-04	Organized case, worked on Investigative Narrative and caught up on Investigator's Log; Started proofing transcribed interviews of Subject deputies; Since I have been unable to reach Sergeant [redacted] I e-mailed her regarding arranging her interview and I received an 'out of office reply' that she will return to work on January 5, 2005	Hines
12-29-04 to 01-03-05	Mandatory vacation due to excess V time on the books	Hines
01-05 thru 01-11-05	Worked on other case load and made several more attempts to reach Sergeant [redacted] Met with OIR Attorney Stephen Connolly regarding case update	Hines
01-12-2005	Finally spoke to Sergeant [redacted] (1630 hrs.) and she advised that she wants a Rep and will have Marlyne Rinaldi from PPOA call me to arrange an interview	Hines
01-13-2005	Completed proofing interview transcriptions on [redacted] first IAB interview as a Witness and her interview with ICIB as a Witness in order to give to her before her interview as a Subject; Also completed proofing Subjects Morris and [redacted] interviews; Spoke to Marlyne Rinaldi from PPOA and scheduled [redacted] interview for 01-18-05 at 1330 hrs.	Hines
01-14-2005	Completed proofing interview transcriptions on Subjects Callahan and Canfield	Hines
01-17-2005	Made audio copies of [redacted] interviews with IAB & ICIB and copies of transcriptions and gave to her at 1215 hrs. Copies of [redacted] interviews to Morejon and prepared questions for [redacted] interview	Hines

01-18-2005	Continued to prep for [redacted] interview and proofed transcription of Subject Perez' interview; Interviewed Subject [redacted] Later met with Stephen Connolly regarding case and possibility of Lt. [redacted] being a Subject; Also met with Lt. Johnson regarding same issues-directed to call Commander Tom Angel and update him on case; Sent [redacted] interview out for transcription	Hines/Morejon
01-20-2005	Spoke with Commander Angel and updated him on the case and concerns with Lt. [redacted] and Commander Angel directed me to continue with case as it is-He is already aware of the issues and concerns as related to Lt. [redacted]	Hines
01-21-2005	Caught up on Investigator's Log; Organized case and added Subject interviews to case; Awaiting [redacted] transcribed interview	Hines
01-21 thru 01-25-2005	Worked on other case load	Hines
01-25-2005	Due to statements made in [redacted] interview, additional interviews with Deputy Subjects necessary; Called Peggy at Green & Shinee and she was unavailable and I left message for her to call me; Talked to Peggy at 1400 hrs. and she said that she would call me back for dates and times of re-interviews of Subject Deputies	Hines
01-26-2005	Updated and discussed case with O.I.R. Attorney Stephen Connolly	Hines
01-26 thru 02-02-2005	Worked on other case load and started to compose questions for Deputy Subject's second interview	Hines
02-02-2005	Met with Stephen Connolly and Sgt. Morejon to discuss possible questions for follow-up interviews of Subject Deputies; Called Commander Angel to arrange meeting for an update/discussion of case; Met with Captain Mannis and updated/discussed case	Hines
02-03-2005	Read over case in preparation for meeting; Drove to Headquarters with Sgt. Morejon to meet with Chief Cavanaugh, & Commanders Amico and Angel-discussed case and it was agreed that additional investigation and/or interviews needed; Returned to IAB and since I had not yet heard from Peggy at Green &Shinee, I called her again regarding the scheduling of Deputies Callahan, Canfield, [redacted] Perez and Morris' interviews; I was told that she was out to lunch (the time was 1330 hrs.). I left a message asking her to call me a.s.a.p.	Hines
02-07-2005	Called Green & Shinee and spoke to Peggy and she said that she would tentatively schedule the interviews for Thursday, 02-17-2005, since all Subject Deputies were working and available; I said that would work for me.	Hines
02-08-2005	Worked on other case load and call out to NCCF	Hines/Morejon

02-09 thru 02-11-2005	Excess Vacation taken	Hines
02-14-2005	Received phone messages that the interviews have been re-scheduled for March 2, 2005; I called Peggy at Green & Shinee to attempt to move back to original date of 02-17-05 and was told that Peggy was off for two weeks and that Sandy is handling the case and will call me; Received call later in day from Sandy and I asked if the interviews could be set back to original date and she said that she would check and call me back	Hines
02-15-2005	Worked on other case load	Hines
02-16-2005	Attended mandatory training in Whittier (Room H-120)	Hines
02-17-2005	Apparently interviews were not moved up to original date of today; I did not hear from anyone at Green & Shinee; Worked on other case load	Hines
02-18 thru 02-23-2005	Worked on other case load	Hines
02-24-2005	Called Green & Shinee and asked for Sandy, but was connected to Karen who said that the interviews were still scheduled for 03-02-05	Hines
02-25-2005	Returned call to Lieutenant Mike Rothens, Pico Station; Spoke to him and updated him on status of case and the follow-up interviews which are scheduled for 03-02-05	Hines
02-28-2005	Reviewed and re-proofed all Subject Deputies first interviews in preparation for the follow-up interviews on Wednesday; Called Sandy and Green & Shinee and re-confirmed that the interviews were still scheduled for 03-02-05	Hines
03-01-2005	Proofed Sergeant [redacted] transcribed Subject interview and continued to prepare for Subjects follow-up interviews scheduled for tomorrow; Prepared Subject Admonitions for interviews; Prepared additional questions and prepared for interviews by re-reading all of the first interview transcripts; Met with Connolly for update and review	Hines/Morejon
03-02-2005	Conducted re-interviews of Subject Deputies Callahan, [redacted] Morris, Perez and Canfield; Sent all interviews out for transcription	Hines
03-03-2005	Attended mandatory IAB training at IAB	Hines
03-07 thru 03-10-2005	Worked on other case load and turned in force case	Hines
03-13 thru 03-16-2005	Attended mandatory Advanced IA training in Anaheim	Hines

03-17-2005	Received phone message from Commander Angel; I returned his call and he requested a meeting with him on Monday to discuss issues and concerns with relation to Lt. [redacted] in this case and the fact that he wants Lt. [redacted] named as a Subject in this case ; I told him I would call him on Monday morning	Hines
03-21-2005	Called Commander Angel and scheduled meeting at 1130 hrs.; Traveled with Sergeant Morejon to Headquarters and met with Commander Angel and discussed his main issues as related to Lt. [redacted] as a Subject and the main focus of [redacted]s interview; Called San Dimas Station to speak to Lt. [redacted] and arrange an interview, however, he was on an RDO	Hines
03-22-2005	Proofed transcriptions of the follow-up interviews on Deputies Callahan, Canfield, [redacted] Perez and Morris; Called San Dimas Station and left message for Lt. [redacted] to call me; Received call from Lt. [redacted] and his Subject interview is scheduled for Friday, March 25, 2005, at 1000 hrs.; Caught up on Investigator's Log and Worked on Investigative Narrative	Hines
03-23-2005	Worked on Investigative Narrative and Table of Contents; Started to stack case	Hines
03-25-2005	Prepared for Lt. [redacted] interview; Interviewed Lt. [redacted] Downloaded interview and sent to transcriber for transcription	Hines/Morejon
03-28-2005	Worked on Investigative Narrative-summarized follow-up interviews; Waiting for transcription of Lt. [redacted] interview	Hines
03-29-2005	Worked on Investigative Narrative-summarized follow-up interviews; Waiting for transcription of Lt. [redacted] interview	Hines
03-30-2005	Worked on Investigative Narrative; Added information to Personnel Investigation Form; Worked on Supervisor's Use of Force form	Hines
04-01-2005	Completed Personnel Investigation form and Supervisor's Use of Force form; Obtained force # for case; Received [redacted] interview and transferred to disc for proofing	Hines
04-04-2005	Proofed [redacted] transcribed interview; Summarized [redacted] interview and added to case; Started proofing Investigative Narrative	Hines
04-05-2005	Additional work on Investigative Narrative; Completed proofing Investigative Narrative; Completed Table of Contents; Added information to Personnel Investigation form; Added FO # to all interviews and applicable documents; Organized case and started stacking; Organized Exhibits and added to Investigative Narrative and Table of Contents; Checked involved Subjects' Personnel Performance Index for number of prior force incidents and added to Investigative Narrative	Hines

04-06-2005	Printed all corrected interviews, Table of Contents, Investigative Narrative; Use of Force form, Personnel Investigation form, & Dividers; Made final corrections and added final information; Stacked and submitted to Lieutenant Curtis Jensen	Hines
04-20-05	Returned For Corrections - Lt. C.A. Jensen [redacted]	[initials]
04-21-04	MADE CORRECTIONS & RESUBMIT TO LT. JENSEN	HINES
04-21-05	Approved / Lt C.A. Jensen [redacted]	[initials]
4-22-05	Case Forwarded to OIR	Brend[redacted]

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EXHIBITS A THROUGH F

MISCELLANEOUS DOCUMENTS

PERSONNEL INVESTIGATION FORM

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT
PERSONNEL INVESTIGATION

DATE	No. OF SUBJECTS	UNIT(S) INVOLVED	I.A.B. FILE No.
MARCH 3, 2004	7	PICO RIVERA STATION & SAFE STREETS BUREAU	IV 2101944

MANUAL SECTIONS ALLEGEDLY VIOLATED (BY TITLE AND No.)
3-01/030.10 OB. TO LAWS, REGS & ORDERS; 5-09/430 USE OF FORCE REPORTING & REVIEW PROCEDURES; 3-01/025.10 UNREASONABLE FORCE;
3-01/025.00 USE OF FORCE; FALSE STATEMENTS 3-01/040.70; FALSE STATEMENTS DURING DEPT. INTERNAL INV. 3-01/040.75

DATE, TIME, DAY OF OCCURRENCE	RELATED URN FILE No. IF APPLICABLE
OCTOBER 10, 2003, FRIDAY, APPROXIMATELY 2300 HOURS	403-00076-2003-054

LOCATION OF OCCURRENCE: [redacted] RUSHMORE STREET, PICO RIVERA

SOURCE OF COMPLAINT: ☐ COMMUNITY ☐ SUPERVISION W/C REPORT No. ______ ☐ OTHER SOURCES (SPECIFY) A/CHIEF DAVID R. BETKEY

SUBJECT	LAST NAME	FIRST NAME	M.I.	RANK OR TITLE	EMP. No.
No. 1 OF 7	CALLAHAN	ERIC	G.	DEPUTY SHERIFF	[redacted]

UNIT OF ASSIGNMENT: PICO RIVERA STATION — DATE ASSIGNED: [redacted] — DIVISION OR REGION: FIELD OPERATIONS REGION III

STATUS OF SUBJECT: ☒ CONTINUING ON DUTY ☐ RELIEVED OF DUTY - REASSIGNED TO: ______ ☐ OTHER ______

SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	AGE
MALE	WHITE	BROWN	BLUE	6' 1"	205	[redacted]	32

DATE OF HIRE: [redacted] — DATE APPOINTED TO RANK: [redacted] — INTERVIEW TAPE RECORDED ON TAPE 4 &10 OF 13 — SIDE ☒ A ☒ B — DATE 12-9-4&3-2-5 — TIME 1711&1028

PREVIOUS 7 YEAR FOUNDED INVESTIGATIONS (EXCLUDING TRAFFIC)

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE
[redacted]			

SUBJECT	LAST NAME	FIRST NAME	M.I.	RANK OR TITLE	EMP. No.
No. 2 OF 7	[redacted]	[redacted]	[redacted]	DEPUTY SHERIFF	[redacted]

UNIT OF ASSIGNMENT: PICO RIVERA STATION — DATE ASSIGNED: [redacted] — DIVISION OR REGION: FIELD OPERATIONS REGION III

STATUS OF SUBJECT: ☒ CONTINUING ON DUTY ☐ RELIEVED OF DUTY - REASSIGNED TO: ______ ☐ OTHER ______

SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	AGE
MALE	HISPANIC	BROWN	BROWN	6' 2"	190	[redacted]	36

DATE OF HIRE: [redacted] — DATE APPOINTED TO RANK: [redacted] — INTERVIEW TAPE RECORDED ON TAPE 3 &11 OF 13 — SIDE ☒ A ☒ B — DATE 12-9-4&3-2-5 — TIME 1608&1329

PREVIOUS 7 YEAR FOUNDED INVESTIGATIONS (EXCLUDING TRAFFIC)

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE
[redacted]			

CODE: C - COMPLAINANT, W - WITNESS — ADDITIONAL COMPLAINANTS, WITNESSES, OR SUBJECTS ON SUPPLEMENTAL PAGES ☒ YES ☐ NO

CODE	No.	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
C	1 OF 1	GALAZ	FERNANDO	M.	MALE	HISPANIC	04-12-80

RESIDENCE ADDRESS: [redacted] — RES. PHONE (AREA CODE): [redacted]

BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: UNEMPLOYED — CDL OR LASD EMPLOYEE NO. — BUS. PHONE (AREA CODE): ( ) NONE

INTERVIEW TAPE RECORDED ON TAPE 1 OF 13 — SIDE ☒ A ☐ B — DATE 10-11-03 — TIME 1714 HRS

CODE	No.	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
W	1 OF 2	[redacted]	[redacted]	[redacted]	FEMALE	HISPANIC	ADULT

RESIDENCE ADDRESS — RES. PHONE (AREA CODE): ( )

BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: PICO RIVERA STATION — CDL OR LASD EMPLOYEE NO.: [redacted] — BUS. PHONE (AREA CODE): (562) 949-2421

INTERVIEW TAPE RECORDED ON TAPE 1 OF 13 — SIDE ☒ A ☒ B — DATE 10-11-03 — TIME 1745 HRS

PRIMARY INVESTIGATOR	RANK	EMP. No.	APPROVED	DATE
WILLIAM HINES	SERGEANT	[redacted]		
ASSISTING INVESTIGATOR	RANK	EMP. No.	DATE SUBMITTED	
			APRIL 6, 2005	

IF ADDITIONAL SUBJECTS, WITNESSES, COMPLAINANTS OR DISCIPLINE HISTORIES, LIST ON CONTINUATION PAGES.

SHERIFF'S DEPARTMENT PERSONNEL INVESTIGATION

I.A.B. FILE No. IV 2101944

NARRATIVE SHOULD BE AN OBJECTIVE AND UNBIASED STATEMENT OF THE FACTS; INVESTIGATOR OPINIONS SHALL NOT BE INCLUDED.

No. OF ITEMS	LIST EXHIBITS/EVIDENCE FIRST (IF STORED, STATE LOCATION - AUDIO TAPES SHOULD BE CLEARLY LABELED), THEN BEGIN NARRATIVE.
	ADMINISTRATIVE RIGHTS FORMS. (ATTACH ONE FORM FOR EACH EMPLOYEE INTERVIEWED)
	AUDIO TAPES. ALL INTERVIEWS SHALL BE TAPE RECORDED AND ALL TAPES MUST BE INCLUDED. (LIST EACH INTERVIEWEE BY NAME.)
	SEE INVESTIGATIVE NARRATIVE
	INTERVIEWEES:
	LIEUTENANT [redacted]
	SERGEANT [redacted]
	DEPUTY ERIC CALLAHAN
	DEPUTY [redacted]
	DEPUTY RICHARD CANFIELD
	DEPUTY DANIEL MORRIS
	DEPUTY ARTHUR PEREZ
	SUSPECT FERNANDO GALAZ

NARRATIVE CAN BE CONTINUED ON SH-AD-49 CONTINUATION FORM OR PLAIN BOND.

SHERIFF'S DEPARTMENT PERSONNEL INVESTIGATION
SUBJECT CONTINUATION PAGE

I.A.B. FILE No.	PAGE
IV 2101944	3 OF 5

SUBJECT No.	LAST NAME	FIRST NAME	M.I.	RANK OR TITLE	EMP No.
3 OF 7	CANFIELD	RICHARD	[redacted]	DEPUTY	[redacted]

UNIT OF ASSIGNMENT	DATE ASSIGNED	DIVISION OR REGION
PICO RIVERA STATION	[redacted]	FIELD OPERATIONS REGION III

STATUS OF SUBJECT: ☒ CONTINUING ON DUTY ☐ RELIEVED OF DUTY - REASSIGNED TO: ______ ☐ OTHER ______

SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	AGE
MALE	WHITE	BLOND	GREEN	6' 1"	220	[redacted]	36

DATE OF HIRE	DATE APPOINTED TO RANK	INTERVIEW TAPE RECORDED ON
[redacted]	[redacted]	TAPE 3 & 12 OF 13 SIDE ☒ A ☐ B DATE 12-9-4&3-2-5 TIME 1839&1513

PREVIOUS 7 YEAR FOUNDED INVESTIGATIONS (EXCLUDING TRAFFIC)

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE
[redacted]			

SUBJECT No.	LAST NAME	FIRST NAME	M.I.	RANK OR TITLE	EMP No.
4 OF 7	MORRIS	DANIEL	[redacted]	DEPUTY	[redacted]

UNIT OF ASSIGNMENT	DATE ASSIGNED	DIVISION OR REGION
SAFE STREETS BUREAU	[redacted]	OFFICE OF HOMELAND SECURITY

STATUS OF SUBJECT: ☒ CONTINUING ON DUTY ☐ RELIEVED OF DUTY - REASSIGNED TO: ______ ☐ OTHER ______

SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	AGE
MALE	BLACK	BLACK	BROWN	5' 11"	164	[redacted]	33

DATE OF HIRE	DATE APPOINTED TO RANK	INTERVIEW TAPE RECORDED ON
[redacted]	[redacted]	TAPE 6&11 OF 13 SIDE ☒ A ☒ B DATE 12-10-4&3-2-5 TIME 1124&1406

PREVIOUS 7 YEAR FOUNDED INVESTIGATIONS (EXCLUDING TRAFFIC)

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE
		NONE	

SUBJECT No.	LAST NAME	FIRST NAME	M.I.	RANK OR TITLE	EMP No.
5 OF 7	PEREZ	ARTHUR	M.	DEPUTY	[redacted]

UNIT OF ASSIGNMENT	DATE ASSIGNED	DIVISION OR REGION
SAFE STREETS BUREAU	[redacted]	OFFICE OF HOMELAND SECURITY

STATUS OF SUBJECT: ☐ CONTINUING ON DUTY ☐ RELIEVED OF DUTY - REASSIGNED TO: ______ ☐ OTHER ______

SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	AGE
MALE	HISPANIC	BLACK	BROWN	5' 10"	160	[redacted]	34

DATE OF HIRE	DATE APPOINTED TO RANK	INTERVIEW TAPE RECORDED ON
[redacted]	[redacted]	TAPE 7&12 OF 13 SIDE ☒ A ☐ B DATE 12-10-4&3-2-5 TIME 1210&1447

PREVIOUS 7 YEAR FOUNDED INVESTIGATIONS (EXCLUDING TRAFFIC)

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE
[redacted]			

SUBJECT DISCIPLINE HISTORIES CAN BE CONTINUED ON ADDITIONAL SUBJECT CONTINUATION PAGES.

SHERIFF'S DEPARTMENT PERSONNEL INVESTIGATION
SUBJECT CONTINUATION PAGE

I.A.B. FILE No. IV 2101944 — PAGE 4 OF 5

SUBJECT No. 6 OF 7 | LAST NAME [redacted] | FIRST NAME [redacted] | M.I. [redacted] | RANK OR TITLE SERGEANT | EMP No. [redacted]

UNIT OF ASSIGNMENT: PICO RIVERA STATION | DATE ASSIGNED [redacted] | DIVISION OR REGION: FIELD OPERATIONS REGION III

STATUS OF SUBJECT: ☒ CONTINUING ON DUTY ☐ RELIEVED OF DUTY - REASSIGNED TO: ☐ OTHER

SEX FEMALE | RACE HISPANIC | HAIR BROWN | EYES BROWN | HEIGHT 5' 6" | WEIGHT 130 | D.O.B. [redacted] | AGE 38

DATE OF HIRE [redacted] | DATE APPOINTED TO RANK [redacted] | INTERVIEW TAPE RECORDED ON TAPE 8&9 OF 13 SIDE ☒ A ☒ B DATE 01-18-05 TIME 1348 HRS

PREVIOUS 7 YEAR FOUNDED INVESTIGATIONS (EXCLUDING TRAFFIC)

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE
[redacted]			

SUBJECT No. 7 OF 7 | LAST NAME [redacted] | FIRST NAME [redacted] | M.I. [redacted] | RANK OR TITLE LIEUTENANT | EMP No. [redacted]

UNIT OF ASSIGNMENT: SAN DIMAS STATION | DATE ASSIGNED [redacted] | DIVISION OR REGION: FIELD OPERATIONS REGION III

STATUS OF SUBJECT: ☒ CONTINUING ON DUTY ☐ RELIEVED OF DUTY - REASSIGNED TO: ☐ OTHER

SEX MALE | RACE WHITE | HAIR BROWN | EYES HAZEL | HEIGHT 6' | WEIGHT 200 | D.O.B. [redacted] | AGE 53

DATE OF HIRE [redacted] | DATE APPOINTED TO RANK [redacted] | INTERVIEW TAPE RECORDED ON TAPE 13 OF 13 SIDE ☒ A ☒ B DATE 03-25-05 TIME 1033 HRS

PREVIOUS 7 YEAR FOUNDED INVESTIGATIONS (EXCLUDING TRAFFIC)

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE
[redacted]			

SUBJECT No. OF | LAST NAME | FIRST NAME | M.I. | RANK OR TITLE | EMP No.

UNIT OF ASSIGNMENT | DATE ASSIGNED | DIVISION OR REGION

STATUS OF SUBJECT: ☐ CONTINUING ON DUTY ☐ RELIEVED OF DUTY - REASSIGNED TO: ☐ OTHER

SEX | RACE | HAIR | EYES | HEIGHT | WEIGHT | D.O.B. | AGE

DATE OF HIRE | DATE APPOINTED TO RANK | INTERVIEW TAPE RECORDED ON TAPE OF SIDE ☐ A ☐ B DATE TIME

PREVIOUS 7 YEAR FOUNDED INVESTIGATIONS (EXCLUDING TRAFFIC)

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE

SUBJECT DISCIPLINE HISTORIES CAN BE CONTINUED ON ADDITIONAL SUBJECT CONTINUATION PAGES.

SHERIFF'S DEPARTMENT PERSONNEL INVESTIGATION
COMPLAINANT / WITNESS CONTINUATION PAGE

I.A.B. FILE No. IV 2101944 — PAGE 5 OF 5

CODE: C - COMPLAINANT, W - WITNESS

CODE	No. OF	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
W	2 OF 2	[redacted]	[redacted]	[redacted]	MALE	WHITE	ADULT

RESIDENCE ADDRESS: — RES. PHONE (AREA CODE): ( )

BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: PICO RIVERA STATION — CDL OR LASD EMPLOYEE NO.: [redacted] — BUS. PHONE (AREA CODE): (562) 949-2421

INTERVIEW TAPE RECORDED ON TAPE 2 OF 13 — SIDE ☒ A ☐ B — DATE 10-11-03 — TIME 1956 HRS

CODE	No. OF	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.

RESIDENCE ADDRESS — RES. PHONE (AREA CODE) ( )

BUSINESS ADDRESS OR UNIT OF ASSIGNMENT — CDL OR LASD EMPLOYEE NO. — BUS. PHONE (AREA CODE) ( )

INTERVIEW TAPE RECORDED ON TAPE ____ OF ____ SIDE ☐ A ☐ B DATE ____ TIME ____

CODE	No. OF	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.

RESIDENCE ADDRESS — RES. PHONE (AREA CODE) ( )

BUSINESS ADDRESS OR UNIT OF ASSIGNMENT — CDL OR LASD EMPLOYEE NO. — BUS. PHONE (AREA CODE) ( )

INTERVIEW TAPE RECORDED ON TAPE ____ OF ____ SIDE ☐ A ☐ B DATE ____ TIME ____

CODE	No. OF	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.

RESIDENCE ADDRESS — RES. PHONE (AREA CODE) ( )

BUSINESS ADDRESS OR UNIT OF ASSIGNMENT — CDL OR LASD EMPLOYEE NO. — BUS. PHONE (AREA CODE) ( )

INTERVIEW TAPE RECORDED ON TAPE ____ OF ____ SIDE ☐ A ☐ B DATE ____ TIME ____

CODE	No. OF	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.

RESIDENCE ADDRESS — RES. PHONE (AREA CODE) ( )

BUSINESS ADDRESS OR UNIT OF ASSIGNMENT — CDL OR LASD EMPLOYEE NO. — BUS. PHONE (AREA CODE) ( )

INTERVIEW TAPE RECORDED ON TAPE ____ OF ____ SIDE ☐ A ☐ B DATE ____ TIME ____

CODE	No. OF	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.

RESIDENCE ADDRESS — RES. PHONE (AREA CODE) ( )

BUSINESS ADDRESS OR UNIT OF ASSIGNMENT — CDL OR LASD EMPLOYEE NO. — BUS. PHONE (AREA CODE) ( )

INTERVIEW TAPE RECORDED ON TAPE ____ OF ____ SIDE ☐ A ☐ B DATE ____ TIME ____

CODE	No. OF	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.

RESIDENCE ADDRESS — RES. PHONE (AREA CODE) ( )

BUSINESS ADDRESS OR UNIT OF ASSIGNMENT — CDL OR LASD EMPLOYEE NO. — BUS. PHONE (AREA CODE) ( )

INTERVIEW TAPE RECORDED ON TAPE ____ OF ____ SIDE ☐ A ☐ B DATE ____ TIME ____

CODE	No. OF	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.

RESIDENCE ADDRESS — RES. PHONE (AREA CODE) ( )

BUSINESS ADDRESS OR UNIT OF ASSIGNMENT — CDL OR LASD EMPLOYEE NO. — BUS. PHONE (AREA CODE) ( )

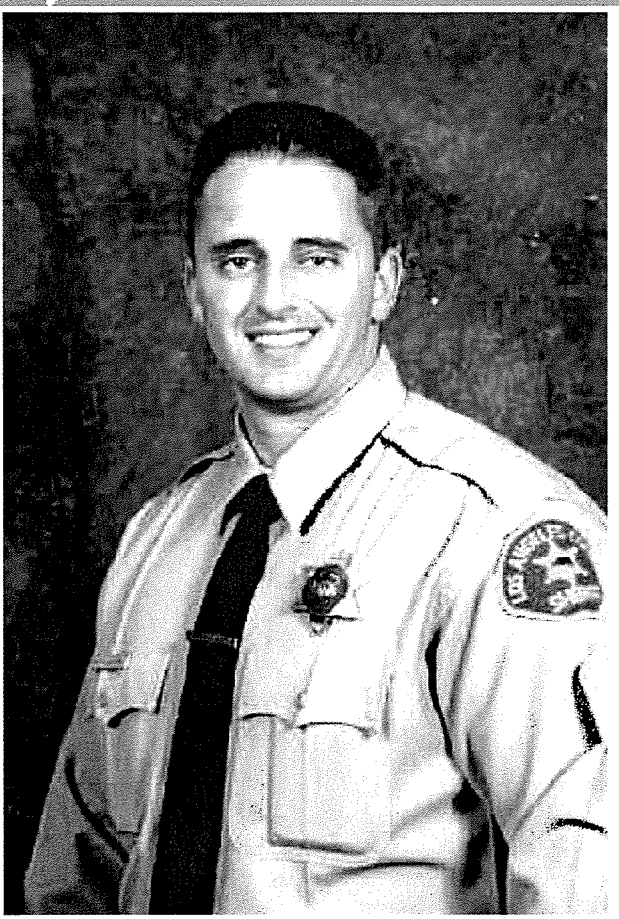
INTERVIEW TAPE RECORDED ON TAPE ____ OF ____ SIDE ☐ A ☐ B DATE ____ TIME ____

SUBJECTS' PHOTOGRAPHS

[redacted]

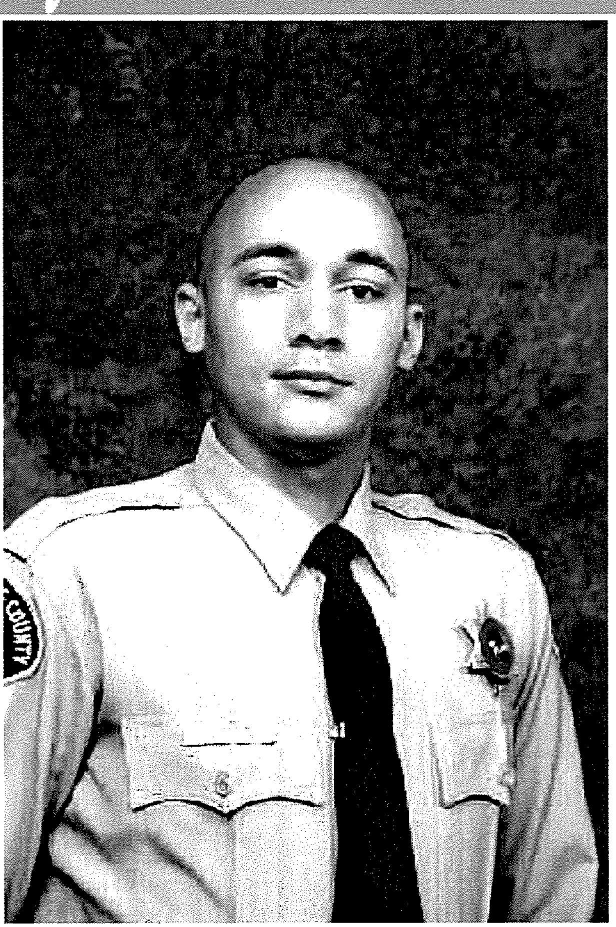
[redacted]





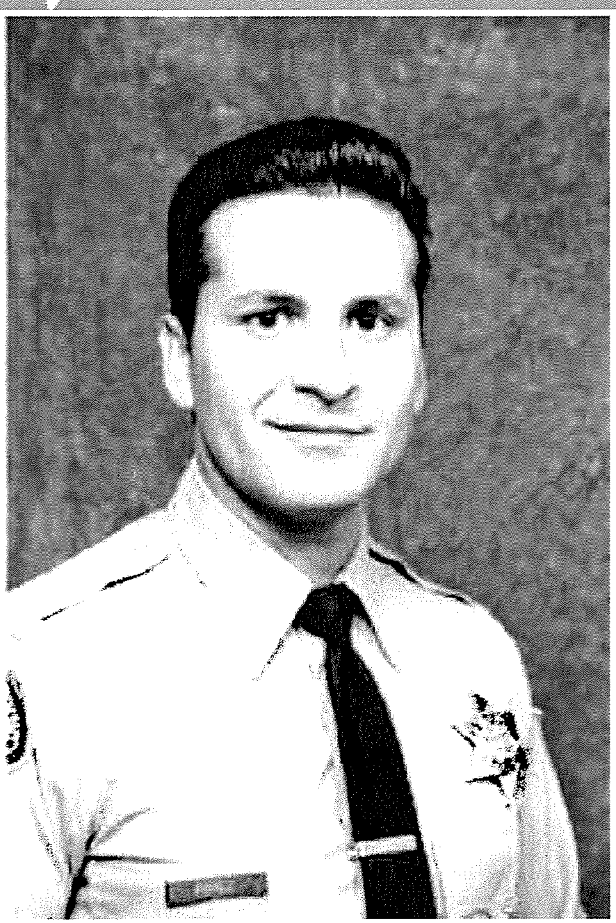
Callahan, Eric G





Morris, Daniel R





Perez, Arthur M





Canfield, Richard R

SUPERVISOR'S REPORT ON USE OF FORCE

Los Angeles County Sheriff's Department
Supervisor's Report on Use of Force

Incident Information

URN:	603-16486-1420-091	Date:	10-10-03	Time:	2300
Location:	[redacted] RUSHMORE STREET				
City or Station:	PICO RIVERA				
Bureau/Station/Facility:	PICO RIVERA STATION	Admin. Investigation: YES ☒ NO ☐			

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
	NONE		

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	[redacted]	[redacted]	[redacted]	SGT.	YES ☒ NO ☐	YES ☐ NO ☒
[redacted]	[redacted]	[redacted]	[redacted]	SGT.	YES ☒ NO ☐	YES ☐ NO ☒

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	GROTE	DINAH	L.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Watch Commander's Signature: ______________________ Emp #: __________

Copy Provided to Employee by: ______________________ Emp #: __________

Supervisor Completing Form: WILLIAM HINES (Print) Emp #: [redacted]

Unit Commanders Signature: ______________________ Emp #: __________ Date Signed: __________

PSTD Use Only.
FO# 2143164

Original: Unit Commander
Copy: P.S.T.D.Headquarters, Employee

SH-R-438 Rev. 10/98

See Reverse

Supervisor's Report on Use of Force

URN: 603-16486-1420-091

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE APPLIED ***(Only One Code Per Block)***

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	RS	NN	
S#1	E#2	RS	NN	
S#1	E#3	RS	NN	
S#1	E#4	RS	NN	
S#1	E#5	RS	NN	
E#1	S#1	PH	CP	BK
E#2	S#1	FL	BR	CH
E#3	S#1	RH	NN	
E#4	S#1	PH	CP	BK
E#5	S#1	PH	CP	BK

See Front Side

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE INFORMATION

URN: 603-16486-1420-091

Involved Employee

E1

Employee #	Last Name	First Name	Middle Name
[redacted]	CALLAHAN	ERIC	G.

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	W.	PICO RIVERA STATION	151K

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	32	6' 1"	205

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case #	Force
☐			Directed Force ☐ Significant Force ☒

E2

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	H.	PICO RIVERA STATION	

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	36	6' 2"	190

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Force
☐			Directed Force ☐ Significant Force ☒

E3

Employee #	Last Name	First Name	Middle Name
[redacted]	CANFIELD	RICHARD	R.

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	W.	PICO RIVERA STATION	151T2

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	36	6' 1"	220

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Force
☐			Directed Force ☐ Significant Force ☒

E4

Employee #	Last Name	First Name	Middle Name
[redacted]	MORRIS	DANIEL	R.

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	B.	SAFE STREETS BUREAU	W515

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	33	5' 11"	164

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Force
☐			Directed Force ☐ Significant Force ☒

E5

Employee #	Last Name	First Name	Middle Name
[redacted]	PEREZ	ARTHUR	MARK

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	H.	PICO RIVERA STATION	W515

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	34	5' 10"	160

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Force
☐			Directed Force ☐ Significant Force ☒

E_

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Force
☐			Directed Force ☐ Significant Force ☐

See Other Side

Supervisor's Report on Use of Force
SUSPECT INFORMATION

URN: 603-16486-1420-091

Suspect Information

S1

Last Name: GALAZ		First Name: FERNANDO		Middle Name: MELENDEZ		
AKA Last Name:		First Name:		Middle Name:		
Sex: ☒ Male ☐ Female	Race: H	Street Address: [redacted]		City: [redacted]	State & Zip Code: [redacted]	
Work Phone: UNEMPLOYED	Home Phone: [redacted]	Age: 23	Height: 5' 8"	D.O.B. 04-12-80	Weight: 240	Armed? ☐
Booking #: 7870500	Primary Charge: 10851 CVC		Secondary Charge: 245(C) PC		Criminal History ☒	
Hospital Admission? ☐	Rec'd Treatment At: BEVERLY HOSPITAL		Coroner Case#:		Mental History ☐	
Under Influence: ☐ YES ☒ NO Substance:			Photos of Suspect's Injuries ☒ YES ☐ NO			

Suspect Interview

Date: 10-11-03	Time: 0300 & 1745	Audiotape: ☒ Videotape: ☒

Suspect Information

S_

Last Name:		First Name:		Middle Name:		
AKA Last Name:		First Name:		Middle Name:		
Sex: ☐ Male ☐ Female	Race:	Street Address:		City:	State & Zip Code:	
Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed? ☐
Booking #:	Primary Charge:		Secondary Charge:		Criminal History ☐	
Hospital Admission? ☐	Rec'd Treatment At:		Coroner Case#:		Mental History ☐	
Under Influence: ☐ YES ☐ NO Substance:			Photos of Suspect's Injuries ☐ YES ☐ NO			

Suspect Interview

Date:	Time:	Audiotape: ☐ Videotape: ☐

Suspect Information

S_

Last Name:		First Name:		Middle Name:		
AKA Last Name:		First Name:		Middle Name:		
Sex: ☐ Male ☐ Female	Race:	Street Address:		City:	State & Zip Code:	
Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed? ☐
Booking #:	Primary Charge:		Secondary Charge:		Criminal History ☐	
Hospital Admission? ☐	Rec'd Treatment At:		Coroner Case#:		Mental History ☐	
Under Influence: ☐ YES ☐ NO Substance:			Photos of Suspect's Injuries ☐ YES ☐ NO			

Suspect Interview

Date:	Time:	Audiotape: ☐ Videotape: ☐

INVESTIGATIVE NARRATIVE

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE NARRATIVE
IV 2101944
FO 2143164
URN # 403-00076-2003-054
URN # 603-16486-1420-091

Subjects:	**CALLAHAN, Eric, DEPUTY, #[redacted]** **[redacted] DEPUTY, #[redacted]** **CANFIELD, Richard, DEPUTY, [redacted]** **[redacted] SERGEANT, #[redacted]** **PICO RIVERA STATION** **Field Operations Region III** **MORRIS, Daniel, DEPUTY, [redacted]** **PEREZ, Arthur, DEPUTY, #[redacted]** **SAFE STREETS BUREAU** **Office of Homeland Security** **[redacted] LIEUTENANT, [redacted]** **SAN DIMAS STATION (Formally Pico Rivera Station)** **Field Operations Region III**
Date:	**On or about October 10, 2003** **(District Attorney's rejection of the criminal case-September 22, 2004)**
Location:	**[redacted] Rushmore Street** **Pico Rivera &** **Pico Rivera Station**
Investigator:	**Sergeant William Hines**

Case Synopsis:

This case pertains to allegations that Deputies [redacted] Eric Callahan, Daniel Morris, Arthur Perez and Richard Canfield used unreasonable force during the arrest of Suspect Fernando Galaz. It is further alleged that Deputy [redacted] struck the suspect with a flashlight while the suspect was handcuffed. Deputies Callahan, Morris and Perez initially reported to their immediate supervisor that the suspect voluntarily submitted to being arrested without offering any resistance. Deputies [redacted] and Canfield did not immediately report any force to their supervisor. The deputies reported their force approximately two hours later at the station, after they were advised that the suspect was alleging force was used and had sustained visible injuries. Additionally, this case pertains to allegations that the Field Sergeant, Sergeant [redacted] and the Watch Commander, Lieutenant [redacted] at the time of the incident, failed to perform their duties as supervisors.

This investigation is based on information obtained during the interviews of the suspect, involved deputies and witnesses at the scene, various reports and documentation, and the Internal Criminal Investigations Bureau's case book which is included in this case file. The Incident Report and all Supplemental Reports are included in the Internal Criminal Investigations Bureau's case book. **Refer to Exhibit A-Internal Criminal Investigation Bureau's Case Book**

Investigation Narrative:

On October 11, 2003, Sergeant Elier Morejon and I responded to Pico Rivera Station regarding an immediate Internal Affairs Bureau investigation regarding allegations of unreported force and possible criminal allegations of Assault Under Color of Authority.

During the initial investigation, Suspect **Fernando Melendez Galaz III** was interviewed at 1714 hours. The interview was audio tape recorded and the following is a summary of that interview:

Mr. Galaz said that he was pursued by deputies the prior night (October 10, 2003). At the end of the vehicle pursuit, Galaz exited his car and ran down the street a distance of about three houses. He ended up between the sides of two houses and tried to jump a fence. He could not get over the fence so he turned around and saw deputies running toward him. Galaz said he went down on his knees, laid down on the ground and put his hands behind his head, while interlacing his fingers. His feet were straight behind him. Galaz said he did this because he felt it would be better to just lay down on the ground.

Mr. Galaz said at that point, the first deputy arrived and grabbed Galaz' hands. Galaz said he then felt "blows from every direction" to his ribs and kicks to his face/head area. Galaz said he kept his

face straight down in the grass. He then felt a shoe placed forcefully on his neck. He continued to feel "blows" to his body from his waist up. He described the "blows" as kicks and punches. Galaz said he was kicked on the right side of his face near his eye. Although there was no sign of injury, Galaz said the area was sore to the touch. Galaz estimated that he was kicked and/or punched eight to fifteen times. After about one minute, Galaz was handcuffed. The deputies then got him to his feet. As he was stood up, two deputies moved to the side and another deputy came forward and struck him with the "butt end" of a flashlight about three times in his abdomen. Galaz described the strike as a "jab." Galaz said that he was struck with the flashlight while he was handcuffed. The deputy that struck him said something to him, but Galaz could not recall what was said.

The deputies then took him to the station. He said he was at the station for about three hours before he was taken to a hospital and treated by a doctor.

When asked if the deputies ever said anything to him while he was on the ground, Galaz said the deputies made comments such as, "You want to run fucker? You want to run? We got you now!" Galaz said he did not say anything to the deputies and was never given any orders by the deputies. Galaz said he never struggled or fought with the deputies, nor did he ever "lunge" at a deputy. He added that he did not tense his arms in an effort to prevent being handcuffed. Galaz also said that he did not make any movements, nor did he attempt to get away from the deputies or try to "head-butt" a deputy.

Mr. Galaz estimated between four and seven deputies were present when he was on the ground. He said that he could not identify the first deputy who reached him because he was down on the ground. Galaz said however, that he could describe the deputy who hit him with the flashlight. He described this deputy as a White male, approximately six feet tall with "blondish-brown hair." The deputy was wearing a uniform as opposed to some of the others who were wearing green shirts. Galaz recalled that two deputies were wearing the green polo shirts.

Investigators saw three red circles on Galaz' upper abdomen area and took photographs. Galaz indicated that his neck, back, sides and abdomen were sore at the time of the interview. **Exhibit A, Pages 58 & 59-Photograph's of Galaz**

On October 11, 2003, at 1745 hours, Sergeant Morejon and I interviewed **Sergeant** [redacted] The interview was audio tape recorded and the following is a summary of her interview:

Sergeant [redacted] was the Field Sergeant at the time of the incident (October 10, 2003) and she was assigned to Unit 150S. She started her shift at 2200 hours. During her shift, deputies were involved in a pursuit. At the termination of the pursuit, Sergeant [redacted] said she was the fourth and last patrol unit in the pursuit. The pursuit ended at Pico Vista Road and Rushmore Street in Pico Rivera. She

heard over the radio that Mr. Galaz had been involved in a traffic collision and had run westbound on Rushmore Street. She stopped her unit at the intersection of Pico Vista Road and Rushmore Street. When she got out of her patrol car, she looked down the street and saw the deputies in a foot pursuit with Mr. Galaz, but she could not see Mr. Galaz from her position. She "cleared" Mr. Galaz' car as she walked by it to ensure that no one else was in the car. She then headed down the street toward the termination of the foot pursuit. Sergeant [redacted] estimated that she was only about half-way down the street, when she saw the deputies walking the handcuffed suspect back toward her and the other radio cars. She did not witness the arrest and/or handcuffing of Mr. Galaz.

At this point, Sergeant [redacted] went to all of the involved deputies--Deputies Callahan, Morris, Perez, [redacted] and Canfield--and asked them if they were all right. She added that she checked them over to ensure that they were all physically okay. All the involved deputies told her that they were "fine." She then asked the deputies "who caught" Mr. Galaz. Deputy Eric Callahan (Unit 151K) told her that he, along with Deputy Daniel Morris (Gang Enforcement Team Unit W515), had caught up to Mr. Galaz when Mr. Galaz had attempted to go over a fence between two houses. Sergeant [redacted] said she then asked Deputy Callahan if force was used on Mr. Galaz. Deputy Callahan told her that they were behind Mr. Galaz and that Mr. Galaz ran into the fence. Mr. Galaz then tried to climb over the fence, but was unable to make it over the fence, so Mr. Galaz put his hands up on his head and went down to his knees. The deputies then grabbed Mr. Galaz and they went down onto the grass and handcuffed Mr. Galaz.

Sergeant [redacted] said that none of the deputies told her that Mr. Galaz tried to "head-butt" any of them. None of the deputies told her that they struck Mr. Galaz on his back or sides with their fists. None of the deputies mentioned "strikes with a flashlight" or "kicks."

At this point, it was Sergeant [redacted] understanding that no force was used during the arrest of Mr. Galaz. She did not feel that Deputy Callahan reported force to her. She felt he was just telling her about the arrest. She first thought that the deputies possibly had used a "take down" to control Mr. Galaz; however, Deputy Callahan told her that the grass was wet and that they all "slipped" there and fell on the ground. She walked over to the area of the arrest and did see that the grass was wet and that it was reasonable that the deputies and suspect might have slipped to the ground.

Sergeant [redacted] said that she did not talk specifically to any of the other deputies at this time and ask them if they used force. The reason that she did not specifically talk to any of the other deputies at this point was because she did not feel that force had been used, since Deputy Callahan did not report any to her and the fact that (regarding the whole scene), in her words, "We were just in a mess. There were people everywhere." Eventually, while still at the scene, she did talk with Deputy Daniel Morris and his partner, Deputy Mark Perez. She said she talked to them together. They told her essentially the same as what Deputy Callahan had told her: that Mr. Galaz had put his hands up and

they all kind of fell to the ground because of the wet grass. Mr. Galaz was then handcuffed without any further incident.

At this time, Sergeant [redacted] did not talk to any other deputies at the scene because she felt that only Deputies Callahan and Morris were involved in the handcuffing and arrest of Mr. Galaz. She had a brief conversation with Deputy [redacted] regarding the pursuit, but not the use of force, and Deputy [redacted] did not tell her that he used force during the arrest. Sergeant [redacted] added that there were other deputies at the scene of the arrest, but she did not recall who they were. No deputies reported using force or witnessing force to her at the scene.

At one point while still at the scene and while Mr. Galaz was handcuffed and sitting in the backseat of a radio car, Sergeant [redacted] looked in and asked Mr. Galaz how he was doing. She did not notice any blood on his face, nor any other injuries. She saw that Mr. Galaz was "sweating" and had grass on him. Sergeant [redacted] added that Sergeant Robert Lawrence, of Safe Streets Bureau, also arrived at the scene earlier and said he had seen a small amount of blood around Mr. Galaz' nose. Sergeant [redacted] re-emphasized that she did not see any blood on Mr. Galaz' face. Sergeant [redacted] later looked inside Mr. Galaz' car and noticed a very small drop of blood, about the size of "the top of a pen" on the steering wheel.

When asked if she specifically talked with Mr. Galaz, Sergeant [redacted] said that she asked Mr. Galaz if he was okay and he told her that he was. Sergeant [redacted] said she thought Mr. Galaz did tell her that he had been hit; however, he did not elaborate because he was "jacked up," or "wound up" from running from the deputies. She did not question him at this point.

Sergeant [redacted] said that at some point while still at the scene, the Watch Commander, Lieutenant [redacted] requested Sergeant [redacted] to call him. She telephoned Lieutenant [redacted] and she advised him what the deputies had told her regarding the arrest. There was no discussion about any use of force at that time. Sergeant [redacted] reiterated that she did not believe force was used and she had no intention of completing a force package.

Eventually the scene was cleared and Sergeant [redacted] was advised by Lieutenant [redacted] to return to the station in order to debrief the pursuit. She arrived at the station a short time later and she, the involved deputies, Lieutenant [redacted] and the Watch Sergeant, Sergeant Dinah Grote, went into the briefing room to debrief the pursuit. Sergeant [redacted] explained that the discussion was led by Lieutenant [redacted] and focused on the reason for the continuation of the pursuit. (During this debriefing, Mr. Galaz was in the jail and had not been taken to the hospital at this point.)

Sergeant [redacted] said that at the conclusion of the debriefing, Lieutenant [redacted] asked the deputies if any force was used during the arrest of Mr. Galaz. Sergeant [redacted] said that after Lieutenant

[redacted] asked this question, she, along with Lieutenant [redacted] and Sergeant Grote, looked around the briefing room at the deputies. The deputies looked down to the floor and avoided any eye contact with her, Lieutenant [redacted] or Sergeant Grote. Additionally, the deputies did not say anything or report any use of force. Lieutenant [redacted] and Sergeants [redacted] and Grote walked out of the briefing room at this time. Lieutenant [redacted] started toward the jail. Sergeant [redacted] asked him if he was going to interview Suspect Galaz and he told her that he was. Sergeant [redacted] accompanied Lieutenant [redacted] to the jail and Sergeant Grote resumed her duties as the Watch Sergeant. All of the involved deputies remained in the briefing room.

Sergeant [redacted] said that once she and Lieutenant [redacted] entered the booking area, they saw Suspect Galaz using the telephone. Lieutenant [redacted] asked Galaz to hang up the telephone. They had a brief conversation regarding the pursuit and why Galaz ran from the deputies. Suspect Galaz then said that he had been "punched and kicked" on his face. Galaz was showing his face, but Sergeant [redacted] said that she could not see any injuries to Galaz' face. Sergeant [redacted] vaguely recalled that Galaz also said that he had been hit in the chest area and Lieutenant [redacted] told Galaz to take his shirt off. Once Galaz took his shirt off, both Lieutenant [redacted] and Sergeant [redacted] could see "a couple of marks, kind of in a circular fashion, on his chest." Sergeant [redacted] said that she could not recall if Mr. Galaz told them how he received the marks on his chest, nor did she recall if Lieutenant [redacted] asked Galaz how he received the marks on his chest. The conversation between Lieutenant [redacted] and Mr. Galaz was not audio or video tape recorded.

Sergeant [redacted] said that she and Lieutenant [redacted] stepped out of the booking area and had a short conversation regarding the marks on Suspect Galaz' chest area. Lieutenant [redacted] told Sergeant [redacted] that he thought that the marks on Mr. Galaz' chest appeared to have possibly been caused by a flashlight. Sergeant [redacted] agreed with Lieutenant [redacted] At this point, according to Sergeant [redacted] Lieutenant [redacted] told her, "I want you to go back to those guys and tell them that you see some visible injuries on him (Galaz) and you want to know how those happened and if they have to report any force."

Sergeant [redacted] estimated that it took about 15 minutes to leave the briefing room and talk to Mr. Galaz.

Sergeant [redacted] walked back to the briefing room where the deputies were still seated. She told them that she had seen two semi-circle red marks on Mr. Galaz' chest area and that the marks appeared to be caused by a "flashlight jab." She also told them what the lieutenant's directions were. She also told them that Mr. Galaz had said that he had been "punched and kicked." She was not sure if she told the deputies that Mr. Galaz said that he had been hit by a flashlight. She told them, "You need to think about whatever you need to tell me and come back to me." The deputies said, "Okay," and Sergeant [redacted] walked out of the briefing room. At this time the deputies still did not advise Sergeant [redacted] that they had used any force during the arrest of Mr. Galaz.

Sergeant [redacted] said that approximately 35 minutes later, one of the deputies, either Deputy Callahan or Deputy [redacted] came to her and said that all of the involved deputies wanted to talk to her.

IAB Note: Sergeant [redacted] was asked if the deputies remained in the briefing room for the 35 minutes and she said she thought the deputies actually went outside during that time. She vaguely recalled that the deputies told her that they were going to go outside; however, she did not see them go outside.

Sergeant [redacted] then met with Deputies Callahan, [redacted] Perez, Morris and Canfield in the briefing room. She asked the deputies to tell her what happened during the arrest of Suspect Galaz. Deputy [redacted] told Sergeant [redacted] that he had "jabbed the guy with a flashlight." According to Sergeant [redacted] Deputy [redacted] said something to the effect, "Those marks are probably from me because I jabbed the guy with my flashlight." Sergeant [redacted] could not remember if she specifically asked Deputy [redacted] at this time why he struck Mr. Galaz with a flashlight. She vaguely recalled that she asked him at some point, but did not remember the sequence of when she did ask. She also did not recall what justification Deputy [redacted] had for striking Mr. Galaz with a flashlight.

Sergeant [redacted] then told all of the involved deputies that she wanted the complete details of each deputy's actions during the arrest of Mr. Galaz. According to Sergeant [redacted] the deputies told her the following: Mr. Galaz had put his hands up and they went to handcuff him, but he became "squirrelly." Mr. Galaz moved around and would not submit to being handcuffed. Mr. Galaz was on the ground or possibly upright in a kneeling position and the deputies could not get control of Mr. Galaz' arms. At some point, since they could not get control of Mr. Galaz' hands/arms, Deputy [redacted] jabbed Mr. Galaz with his flashlight and the other deputies punched Mr. Galaz in the ribs in an effort to get Mr. Galaz' hands controlled.

IAB Note: During this report of force, Sergeant [redacted] said that a "head-butt" was not reported to her.

She then asked each deputy to describe each of their particular actions and, as they did, she made notations in her notebook as to what each deputy's actions were.

Sergeant [redacted] was specifically asked if she had asked the deputies why they had not reported force to her in the first place and she said that she had not.

After Sergeant [redacted] gathered this information from the deputies regarding the force, she returned to Lieutenant [redacted] and advised him of what she had been told by the deputies. Lieutenant [redacted] acknowledged this information and Sergeant [redacted] proceeded with a force investigation. Sergeant [redacted] went back to the jail and now interviewed Suspect Galaz on video tape. Mr. Galaz reiterated

that he was punched and kicked by the deputies. Mr. Galaz denied struggling with the deputies. Mr. Galaz also alleged that while he was handcuffed, a deputy struck him with a flashlight.

> **IAB Note:** The video tape of Mr. Galaz' interview was submitted to ICIB investigators, and is part of their case file.

Sergeant [redacted] said that after interviewing Mr. Galaz and obtaining this new information that Mr. Galaz alleged that he was struck while handcuffed, she went to back again to Lieutenant [redacted] and told him that there was possibly a "discrepancy" as to when Mr. Galaz was struck with a flashlight and that he was alleging that he was struck while handcuffed. At this point, Lieutenant [redacted] directed Sergeant [redacted] to go back and speak to Deputy [redacted] about the possible "discrepancy" of when Mr. Galaz was struck with a flashlight.

Sergeant [redacted] located Deputy [redacted] in the hallway and told him that she needed to talk to him. Deputy [redacted] asked her if they could "step outside." They both walked out the back door of the station and Sergeant [redacted] told Deputy [redacted] what Mr. Galaz had alleged. According to Sergeant [redacted] Deputy [redacted] thought "about it" for a moment, then he looked at Sergeant [redacted] and said, "Yeah, I could have--after he was handcuffed." He then admitted that he did in fact hit Mr. Galaz after he was handcuffed. Deputy [redacted] then asked Sergeant [redacted] what he should do and Sergeant [redacted] told him that she could not tell him what he should do. She then told Deputy [redacted] that she had to tell Lieutenant [redacted] what he ([redacted] had told her. Deputy [redacted] then told Sergeant [redacted] that he wanted to talk to the "guys" and then talk to Lieutenant [redacted] Sergeant [redacted] then walked back into the station and told Lieutenant [redacted] what Deputy [redacted] had told her, and that he ([redacted] wanted to talk to him. Lieutenant [redacted] acknowledged this information and told Sergeant [redacted] that he was going to make his notifications after he spoke to Deputy [redacted] According to Sergeant [redacted] Deputy [redacted] later talked to Lieutenant [redacted]

When specifically asked, Sergeant [redacted] agreed that there was ample opportunity for all the deputies to report force to her at the scene and later during the debriefing.

Mr. Galaz was ultimately transported to Beverly Hospital on October 11, 2003 at 0410 hours, where he was treated and approved for booking. **Refer to Exhibit B-Galaz' Approval for Booking, Exhibit C-Galaz' Criminal History**

Sergeant [redacted] did not read any of the involved deputies' reports. She added that she did a canvas of the area for witness, but did not locate any.

> **IAB Note:** This initial interview with Sergeant [redacted] was later transcribed and provided to her when she was made a Subject of this investigation. The transcribed interview is included in the case under Witness Statements Section.

On October 11, 2003, at 1956 hours, Sergeant Morejon and I interviewed **Lieutenant** [redacted] The interview was audio tape recorded and the following is a summary of his interview:

Lieutenant [redacted] was the Watch Commander at Pico Rivera Station at the time of the incident (October 10, 2003). During his shift, deputies were involved in a pursuit. Lieutenant [redacted] was at the front desk monitoring the pursuit when the pursuit terminated at about 2334 hours. A foot pursuit ensued after the vehicle pursuit. Mr. Galaz was ultimately apprehended after a short distance. Lieutenant [redacted] immediately sent a Mobile Digital Terminal (MDT) message to Sergeant [redacted] asking her to call him as soon as possible.

Lieutenant [redacted] said Sergeant [redacted] telephoned him from the scene a short time later and gave him "a basic run down" and told him that there was no force used. Sergeant [redacted] further advised that all the deputies involved were not injured. At some later point, Lieutenant [redacted] told Sergeant [redacted] to gather up the involved deputies and have them come to the station to debrief the pursuit. About 30 minutes later, Deputies Callahan, [redacted] Perez, Morris and Canfield came to the station and the pursuit was debriefed in the briefing room.

> **IAB Note:** According to Lieutenant [redacted] the arrest was not run by the Watch Commander, nor the Watch Sergeant at this point. Lieutenant [redacted] explained that he wanted to first discuss the conflicts that he felt had arisen during the pursuit and to tell the deputies why he had cancelled certain units from the pursuit.

According to Lieutenant [redacted] at some point near the end of the debriefing, he "indicated" to the deputies, "We need to do the right things for the right reason." He also told them, "If force was used they needed to report it and they needed to report it properly to Sergeant [redacted]" Lieutenant [redacted] went on to explain that he made this comment to the deputies because it has been his experience in the past that deputies generally use force at the end of pursuits. He said, "Generally at the terminus of a pursuit, generally force is used and I wanted to make sure that I made that point, that if force was used that it needs to be reported and properly documented."

Lieutenant [redacted] re-emphasized to us that no force had been discussed or reported at this point.

After making this comment to the deputies about the need to report force, Lieutenant [redacted] looked at the involved deputies and the deputies' heads went down and the deputies would not make eye-contact with him. Lieutenant [redacted] said that this action by the deputies made him feel "leery or suspicious," and he felt at this point, he needed to go and talk to Mr. Galaz. He added that he had an "uneasy feeling" about the deputies' demeanor after he made this comment to them. Still, at this point, none of the deputies had reported using any force during the arrest of Mr. Galaz.

IAB Note: Additionally at this point, Lieutenant [redacted] acknowledged that the deputies had not run the arrest by him. Lieutenant [redacted] explained the reason for not having the arrest run past him at this point, saying, "[I was] more concerned about the focus of the debriefing at this point--to straighten out everything and make sure that--because we had a vehicle pursuit, suspect intentionally drives into our deputy, a 245, the termination and then a crash at the end of a pursuit, the foot pursuit, a person in custody, I wanted to make sure that everybody was on the right page, everybody who was going to write the complaint report, that supplemental reports are going to be required from everybody--from policy stand point, that we documented everything and we got everything aired out right then and there."

Due to the deputies' demeanor, Lieutenant [redacted] and Sergeant [redacted] went to the jail to talk to Mr. Galaz. As they entered the booking area, they saw Mr. Galaz in holding cell #2. Lieutenant [redacted] noticed a small amount of blood on Mr. Galaz' T-shirt. Lieutenant [redacted] believed that the blood was a result of Mr. Galaz being involved in a collision at the end of the pursuit. He also recalled that Sergeant [redacted] told him that she had seen some blood on the steering wheel of Mr. Galaz' car.

Lieutenant [redacted] asked Mr. Galaz why he ran from the deputies and what happened at the end of the pursuit, during the arrest. Mr. Galaz told Lieutenant [redacted] that the deputies got him on the ground and "kicked" him a few times and hit him on his face. Lieutenant [redacted] did not see any visible injuries on Mr. Galaz. He then asked Mr. Galaz to lift his shirt up and when he did, Lieutenant [redacted] saw "two or three, circular-round indentations on the upper portion" of Mr. Galaz' chest. Mr. Galaz said that he was struck by a flashlight. Lieutenant [redacted] said that he recognized the "trauma" to be the same as being hit by a flashlight.

According to Lieutenant [redacted] at this point he directed Sergeant [redacted] to go back into the briefing room because he felt he had a "major discrepancy" in that no force was reported and Mr. Galaz said that the deputies had struck him and Mr. Galaz had visible injuries on his chest. Lieutenant [redacted] wanted an explanation as to how Mr. Galaz received marks on his chest.

Lieutenant [redacted] went to his office and Sergeant [redacted] went back to the briefing room to talk to the deputies. A little over an hour later, the arrest had still not been run past Lieutenant [redacted] Sergeant [redacted] came to his office and told him that the deputies were now reporting that they had used force during the arrest of Suspect Galaz. According to Lieutenant [redacted] Sergeant [redacted] was "livid" regarding the situation due to the fact that the deputies had not reported force to her in the field and had not reported force during the debriefing and now, "a considerable time later," force was being reported.

IAB Note: Lieutenant [redacted] had already notified Captain Rodriguez of the pursuit and told him that force was not used.

Lieutenant [redacted] said that Sergeant [redacted] then proceeded to tell him the force each deputy used during the incident. Lieutenant [redacted] recalled that Sergeant [redacted] basically told him that the deputies reported "punches" only. He then directed Sergeant [redacted] to go back and establish what caused the red marks on Mr. Galaz' chest. Sergeant [redacted] then left and at some point later, she returned and told Lieutenant [redacted] that they had a "new problem." According to Lieutenant [redacted] Mr. Galaz has now told Sergeant [redacted] that he has been hit by a deputy with a flashlight, after being handcuffed. Lieutenant [redacted] said at this point, "The red flags really start going up in my mind." Lieutenant [redacted] said that when he had earlier talked to Mr. Galaz, Mr. Galaz had not told him that he had been hit by a flashlight after being handcuffed. He added that Mr. Galaz only said that he was hit and kicked several times. Mr. Galaz did not mention that he had been hit by a flashlight.

> **IAB Note:** Earlier in Lieutenant [redacted] interview he told us that Mr. Galaz said he was hit by a flashlight, but not while handcuffed (refer to earlier statements above).

After hearing about this "new problem," that Mr. Galaz alleged that he was hit by a flashlight while handcuffed, Lieutenant [redacted] directed Sergeant [redacted] to talk to the involved deputies again about this "discrepancy."

> **IAB Note:** According to Lieutenant [redacted] he did not recall hearing that flashlight strikes were mentioned to him during Sergeant [redacted] first explanation of the force used by deputies. He recalled that it was only after he directed her to go back to the deputies and determine what caused the red marks on Mr. Galaz' chest area that it was discovered that a flashlight was used and she told him that they had a "new problem."

Lieutenant [redacted] said that a short time later, Deputy [redacted] came to his office and said something to the effect of, "Lieutenant, I need to talk to you." Lieutenant [redacted] then invited Deputy [redacted] in the office and closed the door. Lieutenant [redacted] said he felt at this point that he was dealing with an "unreported use of force" and the use of a "flashlight" on a suspect "while handcuffed." Lieutenant [redacted] further explained that he felt that if Deputy [redacted] said "why" he had used force and struck a handcuffed suspect, that it could "infringe upon" Deputy [redacted] "rights as a subject or a suspect."

With that in mind, Lieutenant [redacted] told Deputy [redacted] something to the effect of, "If you are coming in here to fall on the sword and admit to striking a handcuffed suspect, I recommend that you immediately go and contact your union representative and decide if you are going to explain the use of force or choose to have a representative with you prior to any discussion." Lieutenant [redacted]

gave Deputy [redacted] thirty minutes to contact his representative. Nearly thirty minutes later, Deputy [redacted] returned to Lieutenant [redacted] office and said that he wanted to talk, but he was unable to contact his representative. Lieutenant [redacted] again stopped Deputy [redacted] and told him to go back and first talk to his representative before talking to him [redacted]. About fifteen minutes later, Deputy [redacted] returned to Lieutenant [redacted] office and told [redacted] that he had decided to "exercise his right" and not talk about the incident without a representative. At this point, Lieutenant [redacted] directed Deputy [redacted] to write a report regarding his use of force.

According to Lieutenant [redacted] during this entire incident, no one reported force, nor did he approve the arrest of Suspect Galaz. Lieutenant [redacted] said that he did not recall signing the Probable Cause Declaration (PCD) form related to Galaz' arrest. He added, "We were more interested in getting our facts straight in this investigation than properly documenting it, versus just the arrest."

Lieutenant [redacted] had learned at some point during this incident that a local television news channel had possession of a video tape of the pursuit. He later obtained a copy of the video and it was ultimately given to ICIB Sergeants Enrique Garza and Ron Schram.

> **IAB Note:** A copy of the news footage video is included in the case file as **Exhibit D**.

Lieutenant [redacted] made notifications to Captain Juan Rodriguez and Lieutenant Greg Johnson from Internal Affairs Bureau. He also notified Traffic Services Detail.

At the conclusion of his interview, Lieutenant [redacted] was asked if he felt the involved deputies had enough time to report their use of force and he replied, "Absolutely."

Lieutenant [redacted] said he had no knowledge of the involved deputies going outside of the station for approximately 30 minutes to discuss this incident after Sergeant [redacted] first spoke with them.

On October 11, 2003, at about 2100 hours, investigators went to the neighborhood near Pico Vista and Rushmore Street to conduct a canvas for possible witnesses to this incident. Each resident interviewed was audio tape recorded and the following are summaries of those interviews:

[redacted] MH/51, was interviewed at his home. [redacted] said he and his wife, [redacted] were inside their home at the time of the incident. They saw people on the street and several police cars near the intersection. They did not witness the arrest of [redacted]

[redacted] MH/25, said he was driving home at the time of the incident. As he drove down his street, he saw the deputies and Mr. Galaz walking toward the patrol cars. He did not see any struggle between the deputies and Mr. Galaz.

[redacted] MH/39, said he was home during the time of the incident. [redacted] said he saw part of the pursuit and Mr. Galaz' car collide into his neighbor's yard. [redacted] then saw Mr. Galaz run down the street and officers chased Mr. Galaz. [redacted] said he did not see Mr. Galaz arrested or handcuffed. He later saw the officers escort Mr. Galaz back to their patrol cars.

Based on the information Sergeant Morejon and I gathered, it became apparent there was an allegation that Deputies [redacted] Callahan, Morris, Canfield and Perez committed an Assault Under the Color of Authority upon Fernando Galaz, in violation of Penal Code Section 149. I briefed Internal Criminal Investigations Bureau Lieutenant Rod Kusch by telephone; Lieutenant Kusch said his bureau would assume investigative responsibilities. Sergeants Enrique Garza and Ron Schram arrived at approximately 2015 hours on October 11, 2003, and were briefed on the investigation, and took charge of it. I provided them with the original reports related to this investigation, the KCBS video tape of the pursuit, and 35 mm film which contained photographs of Fernando Galaz and the terminus of the pursuit and foot pursuit.

On October 11, 2003, at approximately 2203 hours, Sergeants Garza and Schram interviewed **Deputy** [redacted] in the Captain's office at Pico Rivera Station. Sergeant Garza advised Deputy [redacted] of the nature of their criminal investigation and that he, Deputy [redacted] was a suspect in the investigation. Sergeant Schram asked Deputy [redacted] if wanted to make a voluntary statement regarding the investigation and he invoked his right to counsel, declining to speak. The interview was immediately terminated.

Continuing their investigation, Sergeants Garza and Schram interviewed **Deputy Richard Canfield** at 2228 hours. Sergeant Schram advised Deputy Canfield that he was a suspect in a criminal investigation of Assault Under the Color of Authority. Sergeant Schram asked him if he wanted to make a voluntary statement and Canfield said, "No." They immediately terminated the interview.

At 2255 hours, Sergeants Garza and Schram interviewed Sergeant **Robert Lawrence** in the Captain's office at Pico Rivera Station. Sergeant Lawrence is assigned to Safe Streets Bureau's Pico Rivera/Norwalk Gang Enforcement Team. The interview was audio tape recorded and the following is a summary of his interview:

Sergeant Lawrence confirmed that on October 10, 2003, he responded to the terminus of a vehicle pursuit on Rushmore Street in Pico Rivera, as two of his team members had been involved in the

vehicle pursuit. Sergeant Lawrence asked Deputies Mark Perez and Daniel Morris if any force had been used on the suspect. Deputies Perez and Morris both replied, "No."

Sergeant Lawrence told Sergeant [redacted] the Pico Rivera Station field sergeant, that Deputies Perez and Morris did not use any force. Sergeant [redacted] noticed Mr. Galaz had a bloody nose and he reported this to Sergeant [redacted] He said Sergeant [redacted] conducted an investigation at the scene and noticed blood on the steering wheel of the stolen vehicle, which was later confirmed to be the source of Mr. Galaz' bloody nose.

Sergeant Lawrence was called to Norwalk Station and left Pico Rivera. Sergeant Lawrence returned to Pico Rivera Station approximately one hour later. Sergeant Lawrence spoke to Deputies Perez and Morris in the parking lot at the back of the station. He asked Deputies Perez and Morris if they had any questions. Deputies Perez and Morris made no comments relating to force. Sergeant Lawrence saw three to four other deputies gathered in a "huddle" at the rear of the station.

Sergeant Lawrence recalled that he was on his way home after work when he received a cellular telephone call from Deputy Perez. He guessed the time was approximately 0100 hours. Deputy Perez told Sergeant Lawrence that they (Deputies Perez and Morris) in fact had used force on Mr. Galaz. Sergeant Lawrence did not speak with Deputy Morris regarding his use of force. Sergeant Lawrence did not ask detailed questions regarding Deputies Perez' and Morris' use of force. Deputy Perez told Sergeant Lawrence that they (Perez and Morris) were going to write Supplemental Reports regarding their involvement and use of force. Sergeant Lawrence returned the next day, October 11, 2003, and was informed of the investigation underway by Internal Criminal Investigations Bureau.

On October 12, 2003, at approximately 0015 hours, Sergeants Garza and Schram interviewed [redacted] in the living room at his home. [redacted] He stated he was on a "ride-a-long" with Deputy [redacted] He confirmed they were involved in a vehicle pursuit of a stolen vehicle. Mr. [redacted] said the radio car they were in was equipped with "Lo-Jack" tracking equipment and that they were not in the pursuit, but paralleling the pursuit. He said they were on a residential street when the suspect's vehicle approached their car. He said Deputy [redacted] stopped the radio car and the suspect rammed the driver's door of the radio car with the vehicle he was driving. The suspect continued in the opposite direction. He said he did not know the name of the street. Deputy [redacted] advised units that the suspect had struck his vehicle. Mr. [redacted] was unable to recall if Deputy [redacted] made any comment to him about the suspect striking their car, but [redacted] did ask if he was okay.

Mr. [redacted] said Deputy [redacted] drove to the termination of the pursuit and parked the car. Deputy [redacted] got out of the car and walked out of Mr. [redacted] view. Mr. [redacted] did not leave the radio car. Mr. [redacted] thought Deputy [redacted] was only gone a short time, possibly a minute or two prior to returning to the vehicle. He stated he was on scene for approximately 25 minutes prior to departing to Pico Rivera Station. Mr. [redacted] said he did not witness the arrest of the suspect. He simply saw the suspect escorted to a vehicle and placed in the back seat of the radio car.

Mr. [redacted] was not interviewed about his observations regarding to the traffic collision, nor was he interviewed relative to his observations at the terminus of the pursuit.

Mr. [redacted] was present during the debriefing at Pico Rivera Station given by Lieutenant [redacted] Mr. [redacted] denied being coached or scripted by any deputy personnel regarding what transpired during the pursuit and at the terminus of the pursuit.

On October 12, 2003, at 0148 hours, Sergeants Garza and Schram interviewed **Sergeant** [redacted] in the Watch Commander's office at Pico Rivera Station. The interview was audio tape recorded and the following is Internal Criminal Investigations Bureau's summary of her interview:

> Sergeant [redacted] confirmed she was interviewed by Sergeants William Hines and Elier Morejon at approximately 1745 hours on October 11, 2003.
>
> As Sergeant [redacted] followed the path of the foot pursuit, she observed deputies escorting Mr. Galaz toward the radio cars. She indicated it was dark and neighbors began coming out of their homes to see what was happening. Sergeant [redacted] spoke with Deputies Callahan, Morris, Perez, [redacted] and Canfield and was told that no force was used. She said the deputies' report of not using force seemed consistent with her observations and she had no reason to doubt them.
>
> Sergeant [redacted] said she spoke with Mr. Galaz as he sat in the rear seat of the radio car. Sergeant [redacted] said she believed the suspect told her he was "hit" by the deputies. Sergeant Schram asked Sergeant [redacted] what she understood from Mr. Galaz' statement of being "hit." She assumed he meant that he struggled while his hands were placed behind his back. She did not witness the handcuffing. She did not question the suspect further at this time as the scene was somewhat chaotic and she felt she could investigate further at the station.
>
> Sergeant [redacted] said she did not see blood on Mr. Galaz' nose when she spoke with him. Upon learning of his bloody nose, Sergeant [redacted] inspected the vehicle Mr. Galaz crashed and observed a drop of blood on the steering wheel next to the cruise control.

Sergeant [redacted] attended the debriefing at Pico Rivera Station and was later present with Lieutenant [redacted] when they interviewed Fernando Galaz and observed marks beneath his chest. She contacted the involved deputies in the briefing room, where she confronted them with the information of visible injuries on Mr. Galaz and his allegation of force.

Sergeant [redacted] was later summoned to the briefing room where the involved deputies had gathered. Sergeant [redacted] recalled Deputy [redacted] was the first to admit that force was used. As Sergeant [redacted] interviewed each deputy, she made brief notations in a notebook pertaining to the names of the deputies, the type of force and where the force was applied. She read her notes as follows: "Callahan on the right arm with two punches to the right rib area; Morris with the left arm with two punches; [redacted] jabbed twice; Canfield handcuffed and Perez left rib area." She said she believed the deputies had said more, but she only noted the above information, as she intended to obtain further details from their written reports of their use of force.

> **IAB Note:** Sergeant Schram removed the two pages from Sergeant [redacted] notebook and booked the originals as evidence. He incorporated photocopies of Sergeant [redacted] notes as an exhibit in the ICIB case. **Refer to Exhibit A, Page 56, for photocopies of Sergeant [redacted] notes**

Sergeant [redacted] estimated that approximately two hours had passed between the time the deputies first told her that no force had been used in the arrest of Mr. Galaz and their individual reporting of force.

Sergeant [redacted] conducted a video tape recorded interview of Fernando Galaz on October 11, 2003, at approximately 0236 hours. Sergeant Hines provided Sergeant Schram with the video tape, which is retained in the case file. The video taped interview was conducted as an administrative interview in accordance with Department policy. The interview lasted approximately nine minutes and during the interview, Sergeant [redacted] asked Mr. Galaz to explain what occurred when he was arrested. Mr. Galaz gave the following account:

> Mr. Galaz stated he ran between two house and was unable to climb a fence. He denied running into the fence. Mr. Galaz turned around and saw deputies running toward him as he got down on both knees. He laid face down and placed his hands on the back of his head. Mr. Galaz denied resisting arrest or struggling.
>
> He confirmed he was not handcuffed when he was initially punched and kicked. He said he was struck on the back of his head and kicked on his right cheek and mouth area. When Sergeant [redacted] asked where else he was hit, Mr. Galaz pointed to his right and left sides and

said he was punched in these areas. He then said he was kicked a couple of times in the ribs on each side and felt "blows" from every direction. He rubbed the back of his neck and said he was stomped on the base of his neck and upper back. Mr. Galaz said he was hit three times in the stomach after being stood upright. He said he had pain to his neck, right cheek and abdomen.

On October 13, 2003, at approximately 1150 hours, Sergeants William Looney and Ron Schram spoke with **Fernando Galaz**, in an interview room at Pico Rivera Station. The interview was audio tape recorded and the following is Internal Criminal Investigations Bureau's summary of the interview:

Mr. Galaz confirmed he had been pursued by deputies after a vehicle and foot pursuit and was subsequently arrested. Mr. Galaz said he was wearing a black thermal long sleeve shirt beneath a white short sleeve T-shirt, baggy blue jean shorts and white "K-Swiss" tennis shoes.

Mr. Galaz recounted that he got out of the car after the car became disabled on a front lawn. He ran down the street about four to five houses and ran (west) across the street from where he left the car. He ran between two homes where he tried to jump a six-foot wooden fence. Mr. Galaz said he leaped at the fence, grabbing the top of the fence. He was unable to pull himself over the fence, at which time he turned around, facing the street. He then got down on his knees.

As Mr. Galaz turned around he saw deputies run around the corner of the garage toward him. He did not know the number of deputies. Mr. Galaz believed there were White deputies present when he placed himself face down on the ground. When he got up from the ground, there were Black, Hispanic and White deputies present. He did not know how many deputies were present.

Mr. Galaz described the area where he had run as having a garage on one side and a chain-link fence on the other. The surface was wet or moist grass. He indicated the surface was not slippery and the area was dark, as there were no lights.

Mr. Galaz said he got down on the ground by his own choice. He placed his hands on the back of his head. Mr. Galaz indicated that he positioned himself on a slight angle, with his head closer to the chain-link fence side of the alcove. The chain-link fence was to his right and the garage was to his left. He heard foot steps but heard no verbal orders or commands by the approaching deputies. Mr. Galaz was aware of a helicopter overhead and light coming from the helicopter.

At some point, Mr. Galaz said he heard a deputy order him not to move. Mr. Galaz said he was face down and the voice was coming from the approaching deputies. He said he felt one deputy at his right side (the chain-link side) and thought this deputy grabbed his hands. He believed the deputy was on his knees when he heard the deputy repeat, "Don't move." Mr. Galaz heard voices and said he was kicked on his left side. Mr. Galaz did not know who kicked him.

Sergeant Schram created a rough sketch depicting the area where Mr. Galaz had run at the end of the pursuit. Mr. Galaz drew a stick figure placing himself at a slight right angle with his head closest to the chain link-fence. Sergeant Schram added the arms of the stick figure with the hands on the back of the head, which Mr. Galaz confirmed this reflected his positioning. **Refer to Exhibit A, Page 57**

Sergeant Looney asked Mr. Galaz if he heard any orders by the deputies. Mr. Galaz said he did not hear any orders until a deputy told him to put his arms behind his back. Mr. Galaz said he was face down the entire time and did not see the deputies until he was handcuffed and brought to his feet.

Mr. Galaz pointed to the middle of his left side near his kidney area as the first place he was kicked. He was then kicked on the right side of his face. Mr. Galaz pointed to his right temple area. Sergeant Schram asked if he recalled anything being said by the deputies. Mr. Galaz said he recalled the deputies saying, "You want to run, fucker?" He said he was then stepped on or stomped on the upper right portion of his back and neck. He said the foot was held on him briefly, then removed. Mr. Galaz said he was punched on his head, back and sides. He did not know how many times he was struck. He denied struggling, fighting or resisting at anytime. Mr. Galaz did not see who struck him or kicked him.

Mr. Galaz said he was handcuffed and stood up. Two or three officers stepped to the side and another officer walked up and struck him three times with an unknown object he was holding in his (the deputy's) hand. Mr. Galaz said he was struck with the butt end of the object. Mr. Galaz said the deputy walked directly in front of him and hit him. Mr. Galaz made a back handed motion with his right fist and guessed the object was possibly a flashlight. Mr. Galaz said he looked at the deputy who hit him and confirmed he could identify the deputy. He described the deputy as a male White, 36 years old, clean shaven, with "blondish-brown hair." Mr. Galaz said the deputy was a little taller than he was.

Mr. Galaz recalled that the deputy that stuck him said something to him, but he did not recall what was said. Mr. Galaz thought the deputy who struck him with the object was also the

same deputy he had run into during the vehicle pursuit. He briefly explained he ran into a police car while evading deputies. Mr. Galaz then said he thought the deputy said something about the car, but he was not certain.

> **IAB Note:** According to ICIB investigators, Sergeants Looney and Schram, Mr. Galaz was not wearing his white T-shirt and he stated it was in his cell. Sergeant John Anderson retrieved Galaz' shirt from his cell and provided it to Sergeant Schram. Sergeant Schram observed that the shirt appeared to have grass stains on the front and back. There appeared to be a small spot of blood on the outside, back portion of the shirt. The blood appeared to be on the outside of the shirt, as the spot was less visible from inside the shirt. I saw a black mark on the front side of the shirt at the bottom left edge. The black mark appeared to be consistent with black shoe polish. **Refer to Exhibit A, Page 21, regarding the shirt**

On October 14, 2003, at 1614 hours, Sergeants William Looney and Ron Schram interviewed **Deputy Daniel Morris**, in an interview room at Norwalk Sheriff's Station. Sergeant Schram advised Deputy Morris that he was a suspect of an allegation of an assault under the color of authority that occurred at the terminus of a vehicle pursuit on October 10, 2003. Sergeant Schram asked Deputy Morris if he wanted to voluntarily speak to them about the incident and he stated, "No, I do not." The interview was terminated.

On October 14, 2003, at 1622 hours, Sergeants William Looney and Ron Schram interviewed **Deputy Arthur Mark Perez,** in an interview room at Norwalk Sheriff's Station. Sergeant Schram advised Deputy Perez that he was a suspect in an allegation of assault under the color of authority which occurred at the terminus of a pursuit on October 10, 2003. Sergeant Schram asked Deputy Perez if he would voluntarily speak to them about the case and he declined by invoking his right to counsel. The interview was terminated.

> **IAB Note:** On October 15, 2003, Sergeants Looney and Schram interviewed Deputy Randall Poulos, Aero Bureau pilot, and Deputy John Racz, Aero Bureau observer, assigned to Air 21 on the night of the incident. Deputy Poulos said that he saw the suspect run between the two houses and two deputies directly behind him. He further saw that the suspect was either on the ground or trying to get over the fence, but Poulos was not certain. He saw two deputies struggle with the suspect, but the situation appeared under control and he departed the scene. Deputy Racz said that he saw the suspect run between some houses, followed by deputies; however, he did not see any force used. **Refer to Exhibit A, Pages 22 & 23 for their complete interview summaries**

> **Additional IAB Note:** On October 16, 2003, Captain Arthur Ng sent a letter to Mr. Paul Button, Assistant News Director for KCBS/KCAL television stations, requesting any unedited news footage of the pursuit to be safeguarded as possible evidence in this case. On October 20, 2004, Sergeant Schram had a telephone conversation with Beth Jones, attorney for CBS Legal Department, and she refused to provide any unedited footage. She cited the "Shield Law," First Amendment protection, as the reason for the approval. She also denied Sergeant Schram from viewing any of the unedited footage of the pursuit and arrest. **Refer to Exhibit A, Page 24 for additional information**

On November 5, 2003, at approximately 1315 hours, Sergeants Looney and Schram re-interviewed **Deputy Richard Canfield** at Sheriff's Communication Center in the Operations Lieutenant's office.

Deputy Canfield had been interviewed as a suspect during the first hours of this investigation, and he refused to provide a statement as such. Upon reviewing the facts, Sergeant Schram determined that Deputy Canfield was not a suspect in this case, but rather a witness to the events.

Sergeant Schram advised Deputy Canfield that he was not a suspect but a witness and asked him to make a voluntary statement concerning the arrest of Fernando Galaz. Deputy Canfield stated he understood, but said he did not want to make a statement. Sergeants Looney and Schram concluded their interview.

On November 5, 2003, at 1400 hours, Sergeants William Looney and Ron Schram interviewed **Deputy Eric Callahan**, in the Watch Commander's office at Pico Rivera Sheriff's Station. Sergeant Schram advised Deputy Callahan that he was a suspect in an allegation of assault under the color of authority which occurred at the terminus of a pursuit on October 10, 2003. Sergeant Schram asked Deputy Callahan if he wanted to speak to them about the investigation and he stated, "No." They immediately terminated the interview.

> **IAB Note:** On November 5, 2003, Sergeants Looney and Schram inspected the area of the terminus of the pursuit and the arrest. They took photographs of the arrest area. **Refer to Exhibit A, Page 60** They also canvassed the area and spoke to several residents in the area; however, they did not locate anyone that witnessed the actual arrest of the suspect. **Refer to Exhibit A, Pages 26 & 27 for complete summaries of the interviews**

Additional IAB Note: On November 24, 2003, Sergeants Looney and Schram interviewed Deputy Walid Tawdi, Aero Bureau pilot, and Deputy John O'Hara, Aero Bureau observer, who were also assigned to Air Unit on the night of the incident. Deputy Tawdi said that he didn't see anything that appeared inappropriate. Deputy O'Hara said that he was unable to see much from his position. **Refer to Exhibit A, Pages 27 & 28 for their complete interview summaries**

Additional IAB Note: On November 25, 2003, Sergeants Looney and Schram went to North County Correctional Facility and met with Mr. Galaz. The purpose was to conduct photographic line-ups to identify the deputies who allegedly assaulted him. **Refer to Exhibit A, Pages 28 & 29 for the results of the line-ups** On December 10, 2003, Sergeant Schram interviewed Lieutenant [redacted] at Pico Rivera Station. The purpose of the interview was to have him review photographs of Fernando Galaz taken on October 13, 2003. **Refer to Exhibit A, Pages 29 & 30 for the details of that review and Exhibit A, Pages 58 & 59 for the photographs**

On February 13, 2004, the criminal investigation was completed and the Internal Criminal Investigations Bureau presented the case to the Office of the Los Angeles County District Attorney's Justice System Integrity Division for filing consideration.

IAB Note: Refer to Exhibit A, Pages 30 through 34 for a complete summary of ICIB's investigation in this case.

On September 22, 2004, Deputy District Attorney Christina V. Fleming declined to file charges, stating that there was insufficient evidence to substantiate a criminal filing against Deputies [redacted] Eric Callahan, Daniel Morris and Arthur Perez.

IAB Note: Regarding Suspect Galaz' claim that he surrendered to the deputies, the Deputy District Attorney wrote, *"However, it is noteworthy that shortly after the arrest, Callahan told Sergeant* [redacted] *that after Galaz failed to get over the fence, he put his hands on his head and went down on his knees. At that point, he was grabbed by Morris after which they all fell down on the wet slippery grass where Galaz was ultimately handcuffed. For unknown reasons, Callahan left out the salient details of what transpired between the time they ended up on the ground and the time that the handcuffs ended up on Galaz' wrists. Unfortunately, because of the deputies' lack of candidness, it is impossible to deduce exactly what happened, particularly in*

light of the final version which the deputies wrote in their reports." A footnote to this statement read, *"Deputies Callahan and Morris each wrote a report which described Galaz as aggressively turning towards them with raised fists after he failed to get over the fence. There is no mention of Galaz placing his hands on his head and getting on his knees as Callahan initially told Sergeant* [redacted] **Refer to Exhibit A, Pages 34A through 34I**

On December 7, 2004, Chief Sandra Hutchens and Chief Marvin Cavanaugh requested that the Internal Affairs Bureau conduct an administrative investigation into the allegations of misconduct by the deputies in this case. Additionally, Sergeant [redacted] was added as a Subject in this investigation.

Deputies [redacted] **Eric Callahan and Richard Canfield** were interviewed as Subjects in this case on December 9, 2004, and **Deputies Daniel Morris and Mark Perez** were interviewed as Subjects in this case on December 10, 2004, at the Internal Affairs Bureau by Sergeant Elier Morejon and me. Also present was Helen Schwab from Green and Shinee. The following is a summary of each interview. **Refer to Subjects' Interviews Section for a complete transcription of each interview.**

Deputy [redacted] related that he recalled the pursuit and the arrest of Suspect Galaz on October 10, 2003. Aero unit, Air 21, advised that they had a "low-jack hit" in the area. As he was checking the area, he heard Deputy Callahan go in pursuit of the stolen car. The Watch Commander allowed three units in the pursuit, so Deputy [redacted] only monitored the pursuit in case the suspect fled on foot. At one point, while stopped and monitoring the pursuit, the suspect drove directly at Deputy [redacted] patrol car and rammed the open door, slamming it shut. He immediately advised over the radio that the suspect rammed his car. Deputy [redacted] said the he continued to remain in the area, monitoring the pursuit. A short time later, Deputy [redacted] heard that the suspect had crashed near the intersection of Pico Vista and Rushmore Street and that the suspect had fled from the car and deputies were in foot pursuit.

Deputy [redacted] drove to the location of the foot pursuit and he could see other deputies running ahead of him. The other deputies had gone down the street and between two houses. Deputy [redacted] said, "And by the time I got there, I had seen Suspect Galaz. He was up--Deputy Morris had him on the left side and Deputy Callahan had him on the right side, and they were coming out. And at that time, that's when I saw Suspect Galaz, he kind of lunged forward towards Deputy Morris. It looked like he was going to head-butt him and Deputy Morris leaned back. He let go of the grip. That's when I jabbed him two to three times in the mid-torso section with my flashlight. I had it with me in my right hand. Deputy Callahan grabbed him, pulled him back, and that's when I

realized that he'd already been handcuffed when I had hit him. And after that, there was no further incident there. After it was all over, we were asked if there was any force used and I didn't say anything. I think the reason being is 'cause I was probably a little panicked when I realized he was handcuffed. I just had a momentary lapse of bad judgment. We got to the station probably within 20, 30 minutes 'cause I had to go back to the location to get the address of exactly where the 245 on my vehicle... or on me had happened. So when I got back to the station, we sat down and we were asked about it. We were asked if there was anything else that we wanted to say about the incident. Nobody said anything at that time. And it was then just a few minutes later where, you know, I had to make the decision, 'Hey, I know what I did. I know I used force.' I believe I was justified in using the force and why I didn't immediately report it was not the right thing to do, so I did report it to Sergeant [redacted] that I had used force and what I had to do at that time and we documented the force that we used in our report."

> **IAB Note:** According to Sergeant [redacted] and Lieutenant [redacted] the force was eventually reported approximately two hours after the incident. Neither Sergeant [redacted] nor Lieutenant [redacted] recalled that an attempted "head-butt" was reported to them the night of the incident. Approximately thirty to forty-five minutes after the termination of the pursuit, Lieutenant [redacted] conducted a debriefing of the pursuit. At the conclusion of the debriefing, which lasted approximately fifteen minutes, he essentially asked all of the involved deputies if they had anything to say or report to him. At this point, according to Lieutenant [redacted] the deputies would not make eye contact with him and [redacted] felt "suspicious" so he went to interview the suspect (See Lieutenant [redacted] Witness interview above). Sergeant [redacted] after accompanying Lieutenant [redacted] in speaking with the suspect, and at the direction of Lieutenant [redacted] went back to the briefing room and told the deputies that the suspect was alleging force and appeared to have injuries on his chest. She essentially gave the deputies another opportunity to report force, after which they went out to the station parking lot and approximately thirty-five to forty-five minutes later, came to her and said that they now wanted to report their force. According to Sergeant [redacted] Deputy [redacted] at this point, reported that he struck the suspect with a flashlight; however, he did not report that the suspect was handcuffed when he was struck. The reported reason Deputy [redacted] struck the suspect was because he was resisting, and the deputies could not get control of the suspect's hands. According to Sergeant [redacted] she then proceeded to conduct a Use of Force investigation and, in doing so, returned to the jail and interviewed the suspect on video tape. It was at this point that the suspect told her that he was struck with a flashlight while he was handcuffed. Sergeant [redacted] advised Lieutenant [redacted] of this additional information and [redacted] directed Sergeant [redacted] to talk to Deputy [redacted] again about this

"discrepancy." According to Sergeant [redacted] she re-contacted Deputy [redacted] and asked him if the suspect had been handcuffed at the time he was struck; Deputy [redacted] said something to the effect, "Yeah, I could've hit, you know, after he was handcuffed." He then acknowledged that he did in fact hit the suspect while the suspect was handcuffed.

During follow-up questions, Deputy [redacted] said that he did not witness any force used by any of the other deputies. Deputy [redacted] said that the suspect was already in custody and standing by the time he arrived between the two houses.

IAB Note: According to Deputy [redacted] he did not know until sometime later that any deputy other than him used force on the suspect. Later in his interview, he said it wasn't until he and the other deputies went out to the parking lot that he learned that they used force.

Deputy [redacted] was again asked his reason for not reporting his use of force to Sergeant [redacted] while still at the scene of the incident and he said, "It was bad judgment on my part."

[redacted]

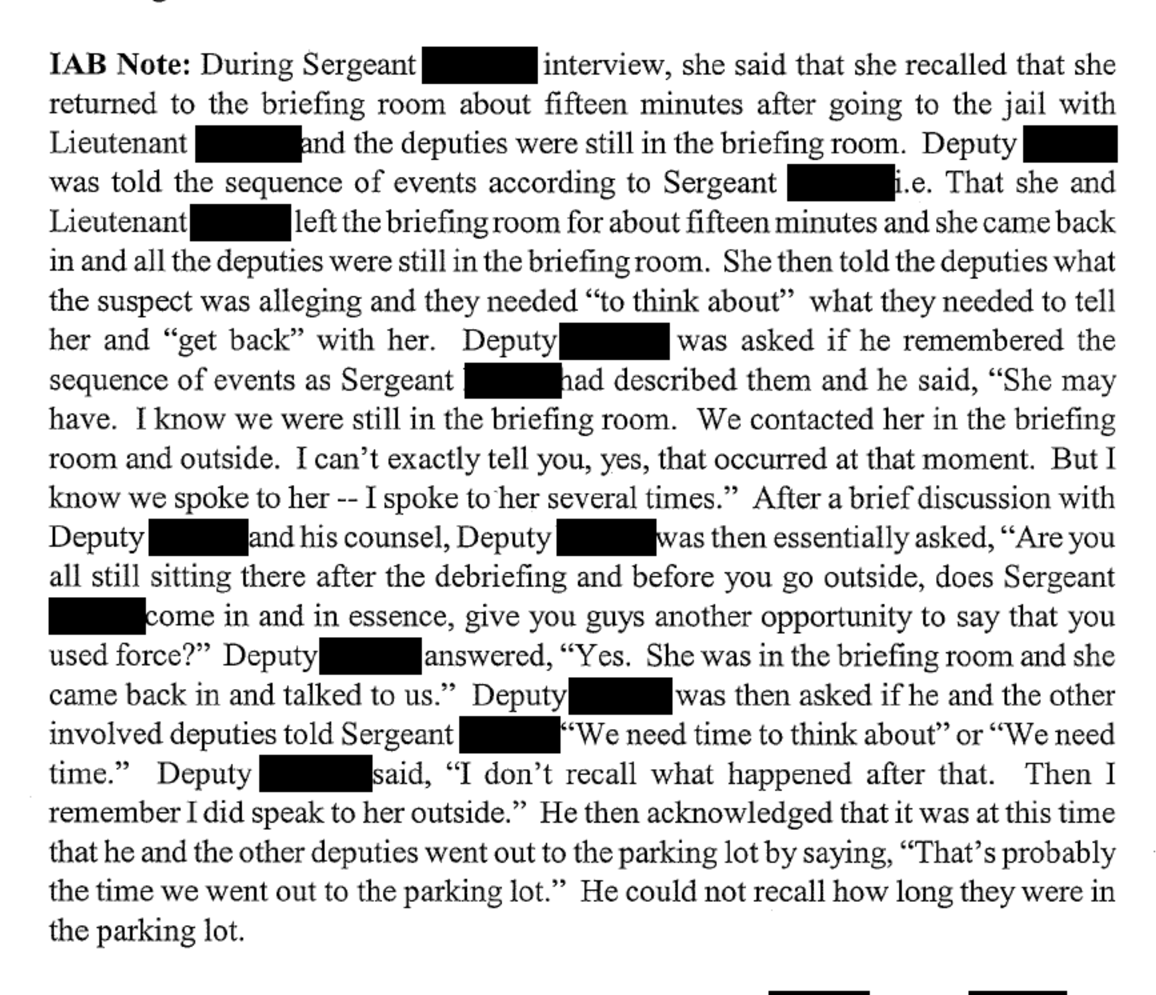
He was then asked if he recalled during the pursuit debriefing, Lieutenant [redacted] asking if any force was used during the arrest, and he said, "I recall him asking if there was anything else that we wanted to say about the incident." He acknowledged that neither he nor the other deputies said anything at this point. Deputy [redacted] was then asked if the reason that he did not say anything at this point was a continuing "lapse of judgment," and he said, "Yes."

IAB Note: Ms. Schwab then said, "Well he said he was nervous about the fact that when he struck the suspect, he didn't realize initially he was handcuffed. And was worried about that."

Deputy [redacted] acknowledged that the debriefing was short and at the end, Lieutenant [redacted] and Sergeant [redacted] left the room. When asked what he and the other deputies did at this point, Deputy [redacted] said, "You know, we needed to talk to Deputy Callahan 'cause he was the initial deputy handling the report and tell him what we had done and what we were going to put in our Supplemental Reports at that time." He added that they walked outside for this discussion. When asked what they discussed outside, Deputy [redacted] said, "We were just discussing the pursuit and how it was going to be handled on the report with Deputy Callahan." Deputy [redacted] said he also

told Deputy Callahan, "Look, I need to report what I did, and I didn't initially make that report to the Sergeant."

When asked, Deputy [redacted] acknowledged that Deputes Callahan and Morris saw him strike the suspect with his flashlight.



> **IAB Note:** During Sergeant [redacted] interview, she said that she recalled that she returned to the briefing room about fifteen minutes after going to the jail with Lieutenant [redacted] and the deputies were still in the briefing room. Deputy [redacted] was told the sequence of events according to Sergeant [redacted] i.e. That she and Lieutenant [redacted] left the briefing room for about fifteen minutes and she came back in and all the deputies were still in the briefing room. She then told the deputies what the suspect was alleging and they needed "to think about" what they needed to tell her and "get back" with her. Deputy [redacted] was asked if he remembered the sequence of events as Sergeant [redacted] had described them and he said, "She may have. I know we were still in the briefing room. We contacted her in the briefing room and outside. I can't exactly tell you, yes, that occurred at that moment. But I know we spoke to her -- I spoke to her several times." After a brief discussion with Deputy [redacted] and his counsel, Deputy [redacted] was then essentially asked, "Are you all still sitting there after the debriefing and before you go outside, does Sergeant [redacted] come in and in essence, give you guys another opportunity to say that you used force?" Deputy [redacted] answered, "Yes. She was in the briefing room and she came back in and talked to us." Deputy [redacted] was then asked if he and the other involved deputies told Sergeant [redacted] "We need time to think about" or "We need time." Deputy [redacted] said, "I don't recall what happened after that. Then I remember I did speak to her outside." He then acknowledged that it was at this time that he and the other deputies went out to the parking lot by saying, "That's probably the time we went out to the parking lot." He could not recall how long they were in the parking lot.

Regarding where he was when he actually reported his force to Sergeant [redacted] Deputy [redacted] was unsure of the exact location; however, he recalled that he spoke to her both in the briefing room and outside. His recollection was that most of the conversation was outside and he was alone with Sergeant [redacted]

> **IAB Note:** During Sergeant [redacted] interview, she said she could not recall going outside to speak to any of the deputies.

When asked what he first reported to Sergeant [redacted] Deputy [redacted] said, "I don't know my exact words, but I know it had been to the effect that I did hit him with my flashlight and I didn't realize that he was handcuffed, and I panicked." He added that he could not recall if he told Sergeant [redacted] that he panicked.

> **IAB Note:** According to Sergeant [redacted] Deputy [redacted] did not mention that the suspect was handcuffed when he was struck. It was not until Sergeant [redacted] went back a second time to interview the suspect on tape, that the suspect said that he was handcuffed when struck. She then advised Lieutenant [redacted] who then told her to talk to [redacted] again about the discrepancy. She then located [redacted] and it was at that time, that he acknowledged that the suspect was handcuffed when he struck him.

When asked, Deputy [redacted] said that he did not recall Sergeant [redacted] writing anything in her notebook related to the force.

Deputy [redacted] was asked if the force the other deputies used was discussed when they first went outside and he said, "No." Deputy [redacted] was then asked, "At some point, did you realize the deputies used force, that the other deputies used some type of force?" Deputy [redacted] answered, "Yes, when we were discussing, you know, what I'm going to report, what Eric is -- excuse me-- what Deputy Callahan is going to report, and Deputy Morris, the force that was -- was used to -- when Suspect Galaz was taken into custody."

When asked if any of the involved deputies talked about the reasons why that they hadn't reported their force, Deputy [redacted] said, "No. I don't know why they didn't." When asked he added, "I didn't ask."

When specifically asked, Deputy [redacted] said that he did not hit the suspect with his flashlight because the suspect ran from the deputies, nor because the suspect rammed his radio car. Deputy [redacted] also said that he did not ever say to the suspect, something to the effect of, "This is what you get for running from us"

Deputy [redacted] acknowledged that on the night of the incident, he attempted to speak with Lieutenant [redacted] about the incident. When asked what he was going to tell Lieutenant [redacted] Deputy [redacted] said, "Exactly what we had talked about right now."

At the conclusion of the interview, Deputy [redacted] was asked if he had anything to add and he said, "No, other than the fact that, you know, given the same situation again, I would do the right thing and immediately report any force to my supervisor." When asked, he said he was familiar with the

Department's Use of Force Policy and that the force he used during this incident was reasonable and necessary.

Refer to Exhibit A-Pages 51 & 52 for the Supplemental Report written by Deputy [redacted] and Subjects' Interviews Section for complete interview transcript.

Deputy Eric Callahan related that he recalled the pursuit, assault on a police officer and arrest of Suspect Galaz on October 10, 2003. Deputy Callahan said that he was the first unit behind the suspect and saw the suspect crash and run from the car. Deputy Callahan and Deputy Morris ran after the suspect. Deputy Callahan said that he was approximately ten to fifteen yards behind Deputy Morris.

Deputy Callahan said, "As I come around the corner, I see Deputy Morris pull -- I hear a loud bang. I don't know what it was, but I hear or I see Deputy Morris trying to pull him from -- pull him -- basically pull him from the fence. The fence did not give. He tried to run into the fence and knock it over, but that did not happen." When asked if he actually saw that happen, Deputy Callahan said, "Did not see that." He continued by saying, "So I see Deputy Morris pull him from the fence."

> **IAB Note:** At this point in the interview, Deputy Callahan asked if he could refresh his memory by referring to his report. He was told that he could refer to his report at any time. He then took a few moments to read his report.
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> **Additional IAB Note:** On page 5 of Deputy Callahan's report he wrote, *"As I was in foot pursuit of the suspect, I noticed that G.E.T. Deputy Morris was also in foot pursuit of the suspect running along side of me. The suspect ran north bound along the west side wall of the residence, until he came to a locked wooden fence. I observed the suspect fall directly into the fence head first then fall to the ground. The suspect attempted to pull himself up and over the fence but was unsuccessful. During this time, I ordered the suspect to get down on the ground. At which time he turned towards Deputy Morris and myself with his arms elevated towards his shoulders and his hands clenched in to fists. The suspect attempted to side step me and lunge towards Deputy Morris in what I believed was an attempt to strike him. Deputy Morris was able to grab the suspect by his left arm and directed him towards the ground. While the suspect was falling, I had to redirect my foot placement to the side, due to the confined space we were in and so that the suspect would not fall on me."* After he reviewed his report the interview continued: It was pointed out to Deputy Callahan that he wrote that Morris was running beside him, Deputy Callahan

acknowledged that he made an error and that Deputy Morris was not running beside him. Deputy Callahan then said, "And when I came around the corner, yes, he did -- I -- I heard him hit the fence at the same time Deputy Morris was pulling him from the fence." It was then pointed out to Deputy Callahan that he wrote in his report, "*I observed the suspect fall directly into the fence head first then fall to the ground.*" He was then asked if that sentence was an error. He answered, "I'm trying to recall, sir. It's been quite some time." He was then told again by his Counsel that he could review his report. Deputy Callahan then said, "According to my report, I observed him fall into the fence as he was basically trying to get up and over the fence at the exact time he was being pulled from that spot toward -- by Deputy Morris. That's the best way that I can describe it."

Additional IAB Note: At this point in the interview, investigators suggested to Deputy Callahan that he should review his report in a little bit more detail. We then went off the record for approximately three minutes while Deputy Callahan again reviewed his report. The interview then continued. Deputy Callahan was then asked if he had reviewed his report and he said that he had. He was then asked to continue.

Deputy Callahan said, "As the suspect ran along the -- the west side of the residence, he came to a fence that appeared to be locked and he tried -- he ran into the fence in what I believe was an attempt to knock the fence over and get into the backyard. The fence stood steady; it did not give. He tried to go up and over the fence and then realized, possibly due to his weight, that he was not going to be able to get up and over it, so he turned around." Deputy Callahan was asked if he actually observed this as it was occurring and he said, "At this point, I am."

He continued, "Yes, I'm around the corner now. I'm still -- I'm approximately about 20 -- about 20 feet away as I'm running up -- as I'm seeing this happen. At this point, Dan -- Deputy Morris--is yelling at him to 'Get on the ground, get on the ground.' I'm yelling it, too, to the best that I could after having ran, at which time the guy turned around and takes that fighting stance. At that point, I believe the -- I observed the suspect lunge towards Deputy Morris in what looked like his attempt at hitting him or striking him, as I wrote."

IAB Note: Deputy Callahan then asked, "Do you want me to say what I observed Deputy Morris do or my actions?" Deputy Callahan was then told that we wanted him to tell us everything that he could recall regarding the incident and if he needed to refer to his report he could. Deputy Callahan then said, "I'm going to have to almost read from this, if that's okay." Deputy Callahan then related that he did recall the incident, but not all the details exactly. At this point in the interview, Deputy

Callahan again asked if he could read to us from his report. We explained that we would rather not have him read directly from his report; however, he could read it again to refresh his memory. It was then suggested that we could go off the record again and his Counsel implied that that would not be necessary. She suggested that we give him a chance to review it. After a pause, while Deputy Callahan was reading his report, we went off the record. Approximately nine minutes later, after Deputy Callahan reviewed his report, we went back on the record. Deputy Callahan was asked to continue from the point where he came around the corner of the house and to explain the first thing that he saw:

Deputy Callahan continued, "I see the suspect attempting to get over the fence. Attempting to get over the fence. I see that he's unable to do so, okay. He was attempting to get over the fence by pulling himself up and -- up and over, but because of the proximity where Deputy Morris was to him and the fence not giving way, he was unable to. At which time the guy turned around, took -- took this fighting stance with us, or with Deputy Morris who was immediately there. I was some short distance away from him. As I -- as I'm drawing closer to him, I see the suspect, lunge is the only word I can use, in an attempt to like strike Deputy Morris. Deputy Morris was able to grab his arm. He was able to grab his arm, his left arm, 'cause he was now on his left side. I was on his right side as the -- it's a very confined space between the block wall and this house. I'm unsure of the exact foot distance, but it's probably five -- five feet, maybe six feet wide, and the suspect is large; Dan's not, but with the three of us, it was -- it was a confined area. So I'm -- I'm moving myself around so that I can attempt to gain control of this guy and myself not get hit in the meantime, at which time I was able to grab his arm, and with both of us, we were able to take him down to the ground. And after -- let's see, I put my knee on the center of his -- on the center of his shoulder blades to gain control. Okay. The guy was big. He was about 240 pounds. He was big. And I remember him trying to get up off the ground while he was still struggling. Okay. During the whole time, he was given verbal commands. He was told to stop resisting. He was told to stop fighting, which he didn't."

IAB Note: In his report, Deputy Callahan did not write that he grabbed the suspect's arm and assisted in taking him to the ground. **Please refer to pages 10 through 24 of the transcribed first interview of Deputy Callahan for his complete description of the force that he used and witnessed during this incident and his description of the attempted head-butting of Deputy Morris by the suspect.**

Deputy Callahan was told the suspect's version of what occurred during the arrest: That he ran and tried to jump the fence. He couldn't get over the fence, so he turned around and saw the two deputies running toward him. At that point, he went down on his knees and/or laid down on the

ground and put his hands behind his head while interlacing his fingers. When asked, Deputy Callahan said that he did not see the suspect do as was just described. He added that the suspect never went down on the ground on his own.

> **IAB Note:** Prior to Deputy Callahan's interview, we showed him and his Counsel a redacted portion of Sergeant [redacted] interview which was conducted on the evening of the incident. The portion was regarding her account of what Deputy Callahan first told her when she arrived on the scene and it read, *"Then asked him,* (to Callahan) *was there, was there force used? You know. What happened when you guys came in contact with him? He* (Callahan) *said that they were behind him. The guy ran. And he ran into the fence. Then he tried to get over it. Like kind of a weak attempt, 'cause he grabbed the top and tried to climb over it. And knew that he couldn't make it over. So he* (Callahan) *said the guy put his hands up on his head and went down to his knees. They* (the deputies) *grabbed him there. You know. They went to the grass. And then they handcuffed him and brought him out."* We then referred to this portion of Sergeant [redacted] interview and continued with Deputy Callahan's interview.

Deputy Callahan acknowledged that Sergeant [redacted] arrived on the scene. He was then asked if he had any conversation with her regarding any force that's used, and he answered, "According to her, I do. I remember being so overwhelmed at the time, just from all the incidents going on and she asked me what -- who used force. And I don't -- I do not recall what I told her. I know that I did not report my force then when I was supposed to. I believe I said something to the effect of 'Not now.'" When asked what he meant, Deputy Callahan said, "Like I -- like 'I'll get to you -- I'll get to you later' or 'I'll get back to you on this one.' I got a lot of things that were going on that I was very unaware of, I'd never done, handled from start 'til end. Pursuit, I had not been in one. So there was a lot of things that I was unaware of with all the cars that were out there and all the-- the facts, everything that was going on. I was overwhelmed at the time."

Deputy Callahan was then asked if he was familiar at the time with the use-of-force reporting policy and if he knew he was obligated to immediately report his force to a Sergeant or above. He said, "Yes sir." He then volunteered, "That was -- that was a drastic error on my part." Deputy Callahan was then asked if the reason that he did not immediately report his force was because at the time he was "overwhelmed" and he "made an error." He answered, "No, I'm not -- I'm not making an excuse. I'm just saying it was -- it was an error. I should have told her and I didn't."

[redacted]

Referring to Sergeant [redacted] account of what Deputy Callahan said to her, Deputy Callahan was asked to clarify whether he didn't say that to her or if he didn't recall saying that to her. Deputy Callahan said, "A portion of this is correct. I -- what I do recall telling her was that the ground was very wet and very muddy and that would explain why we were covered in mud. I do not recall telling her that the suspect put up his hands and then went down to his knees. I do not recall telling her that. I don't recall telling her very much at the time." Deputy Callahan said that he also didn't think that he told Sergeant [redacted] that the suspect tried to climb over the fence, but couldn't make it over the fence.

> **IAB Note:** It was then pointed out to Deputy Callahan that the suspect's account of the incident was similar to Sergeant [redacted] account of what he (Callahan) had reported to her. Deputy Callahan acknowledged the similarities.

When asked, Deputy Callahan acknowledged that he attended a pursuit debriefing later at the Station and that Lieutenant [redacted] and Sergeant [redacted] were there along with the other involved deputies: Deputies [redacted] Canfield, Morris and Perez. When asked, Deputy Callahan said that Lieutenant [redacted] did not ask the deputies if they used force. When asked if Lieutenant [redacted] discussed "force issues" during the debriefing, Deputy Callahan said, "I don't recall if he discussed force issues. I do remember him talking about the pursuit and that he asked us if there was anything that -- that we would like to talk about. Which I could probably reference to him wanting to know about force. But as far as him actually saying that, I do not believe that that's what he said. But he did make reference if there was anything that we'd like to talk about, and this was the time to do it."

When asked, "Whose responsibility is it to report force? Is it yours or is it the responsibility for the Lieutenant to ask?" Deputy Callahan said, "It's mine. This -- this whole thing was mine. I should have been the one to make sure that everybody had reported their force. This was mine from the beginning. I assume the responsibility for that. I should have told -- I should have made sure that everybody went in and did that. I -- I didn't do that. I didn't even do it for myself."

Regarding what occurred after the pursuit debriefing, Deputy Callahan recalled that he and the other involved deputies went outside. He said, " We went outside and basically talked about what happened. It was the first moment that we had to actually discuss what -- 'What did you do? What active part did you play in it? Where were you at? What -- what really happened? Why did we not report this force right away?' There was a discussion about that."

Deputy Callahan was then told Sergeant [redacted] account of the events: that she and the Lieutenant left the briefing room and about fifteen minutes later, Sergeant [redacted] returned and all the deputies were still in the briefing room. She then advised the deputies of what the suspect was alleging and

that they needed to figure out what they needed to tell her and get back to her. She then left and all the involved deputies at this point left the briefing room and went out to the parking lot. Deputy Callahan was asked if he recalled that account and he said, "What I remember is a little bit different. I do not -- we did stay in there and I believe that she came in and told us that force had been used, 'So you guys need to figure this out.' We went outside at that point. It was -- when we were outside that she came out and told us additionally, 'Now he's got flashlight marks on him.' And I remember being upset, thinking, I didn't see anybody hit him with a flashlight, who -- who did this. But we had -- we had -- I'm going to have to back up because we had reported our force. The force was reported and then it was brought to our attention that he had been struck with a flashlight. And that's why I remember being upset, because I had talked to everybody individually and attempted, you know, to find out what they did, what I saw and what they did, and nothing was brought up about the flashlight."

> **IAB Note:** According to Sergeant [redacted] she never went out to the parking lot to talk to the deputies.

Deputy Callahan was then told that he needed to give a time line or sequence of the events as he recalled them. Deputy Callahan agreed with the sequence of events up to the point of the debriefing. However, his recollection was that immediately after Lieutenant [redacted] and Sergeant [redacted] left the briefing room, the deputies then walked out to the parking lot. While in the parking lot they discussed the force for the first time. According to Deputy Callahan, the force was not discussed prior to this time. After they discussed the force, they went back in the station to report the force they had used.

When asked what was discussed in the parking lot, Deputy Callahan said, "Why haven't we said anything. What we've done was -- is fine. What we did was okay." Deputy Callahan added that he believed that the force used was okay; however, failing to report the force was not okay.

Deputy Callahan could not remember whether he was in the parking lot or inside the station when he actually reported his force. He said, "I don't -- to be honest with you, I do not remember exactly where. I believe I reported it to Lieutenant [redacted] I don't remember where we were at, if we actually went back in the station and told him." He was then asked, "At some point, did you yourself report your force to somebody?" He said that he did report his force and he believed that he reported it to Lieutenant [redacted] He did not remember when he reported his force, but he did recall that it was after he was in the parking lot. When asked if Lieutenant [redacted] came out to the parking lot, Deputy Callahan said, "I think maybe at one point he did." When asked if Sergeant [redacted] came out to the parking lot, Deputy Callahan said, "On a few occasions."

> **IAB Note:** During their interviews, Sergeant [redacted] and Lieutenant [redacted] said they did not go to the parking lot to talk to the deputies. Additionally, according to Lieutenant [redacted] at no time, was the force related to this incident ever reported to him by the involved deputies.

Deputy Callahan estimated that he and the other deputies were in the parking lot for about thirty minutes.

When asked if he reported his force only after it was brought to his attention by Sergeant [redacted] that the suspect was alleging that force was used, Deputy Callahan acknowledged that he did, only in reference to time and not because the suspect was alleging force was used. Deputy Callahan was asked, "In reference of time, did you report your force after it was brought to your attention that the suspect was alleging that, one, he was punched and kicked and/or struck with a flashlight?" Deputy Callahan answered, "The flashlight did not come up 'til later, but once we were told that, that he was alleging that there was a use of force, at that point, I reported my force. That's to the best of my recollection."

> **IAB Note:** In his answer, Deputy Callahan said, "The flashlight did not come up 'til later..." When asked if he remembered where this took place, Deputy Callahan said, "No, 'cause I remember going back outside 'cause there was -- there was a lot of outside time. I remember being back outside and Sergeant [redacted] I believe she came out of -- actually walked out of the jail and came up to us and said -- that's when she noticed that she had seen flashlight marks on him. And that's when she brought it to our attention that, 'The force that was reported didn't say nothing about flashlights. You guys better get this right.'" Deputy Callahan said he had not known at this point about the flashlight strikes. Earlier in his interview when explaining Deputy [redacted] actions of striking the suspect, Deputy Callahan said that he did not know that Deputy [redacted] had a flashlight in his hand during the strikes. He said that he only discovered that later; however, he did not recall when. **Refer to Deputy Callahan's transcribed interview, pages 21 and 22**

When asked, Deputy Callahan said that he did not know why the other deputies failed to report their force. He said it was not talked about.

When asked if he reported any force to Sergeant [redacted] Deputy Callahan said, "The way the force was reported, it wasn't a formal situation, 'Come in, sit down, let's talk about this.' It would have been probably like in passing, 'Hey, Sarge, we used force on this. All right, okay, well make sure you get it straight on the report.' It wasn't stand there and 'Let me drill you about it.' So the way

it was done was very informal. That's why I -- I have a hard time recalling who I said -- who I actually said it to and exactly what time."

When asked if there was a reason he didn't list in his Incident Report who he notified concerning his use of force, Deputy Callahan said, "No, sir. There's no excuse for that." When asked if he knew that was required in his report, he said, "I was unaware. I'm unaware. I had a sergeant review my report after I was done and it was never -- it was never -- it was never brought up. And I didn't -- I don't believe that I knew that I had to list that person in there. I -- I do know that now, but at the time, along with several other errors I made that night, that was just another one."

> **IAB Note:** In an effort to again determine when Deputy Callahan had knowledge that Deputy [redacted] had struck the suspect with a flashlight, he was again asked, "And when was it that you did find out that he had a flashlight in his hand? Were you still at the scene or was it back at the station?" He answered, "No. That was when Sergeant [redacted] had come out and told us that he had marks on him that were indicative of being struck with a flashlight. And I asked specifically who -- who did that." When asked if he posed this question in the presence of Sergeant [redacted] he said, "No. I asked every one of the deputies that was out there. I looked them right in the eye and I said, 'If you hit him with a flashlight, you better say something 'cause this looks very bad. Looks like we're trying to cover it up for you.' And Deputy [redacted] said, 'It was me.' And I said, 'I never saw your flashlight, [redacted] Where was it at?' He showed me his flashlight. I know -- I've seen his flashlight before. And he said, 'Well it was right in my hand.' And I was like, well that makes sense. That's why I didn't see it. I didn't know that that's what he did not report initially."

> **Additional IAB Note:** During follow-up interviews with Deputies [redacted] Canfield, Perez and Morris, each was asked if while in the parking lot, they recalled anyone saying, "If you hit him with a flashlight, you better say something 'cause this looks very bad. Looks like we're trying to cover it up for you." They all said that they did not recall hearing this statement.

> **Additional IAB Note:** In an effort to again determine the sequence of events, specifically if the deputies remained in the briefing room or immediately went to the parking lot after [redacted] and [redacted] left the briefing room, Deputy Callahan was again told what Sergeant [redacted] recalled. Deputy Callahan responded, "That could very well be. The events where, we were in and out of the briefing room and outside several times. Therefore, the exact time line as to when things were said, I'm just trying to give you my best recollection." He then basically reiterated that he did not

know about the flashlight strikes until Sergeant [redacted] came out to the parking lot and told them. This was after the initial reporting of force to [redacted]

At the conclusion of the interview, Deputy Callahan was asked, "We know you didn't report the force you used. Why didn't you report the force that other deputies used?" and he answered, "It was an error in judgment on my part. I have -- I have no excuse and I have no reason except it was -- it was not done and the fact I know better."

Refer to Exhibit A-Pages 35 through 42 for the Incident Report written by Deputy Callahan and Subjects' Interviews Section for complete interview transcript.

Deputy Richard Canfield related that he recalled the pursuit and arrest of Suspect Galaz on October 10, 2003. Deputy Canfield said that he was the third unit behind the suspect. Deputy Canfield said that by the time he arrived at the terminus of the pursuit, the suspect had already crashed and was already out of his vehicle, running from the deputies. He did not see the suspect crash or exit the car. He saw one deputy on the lawn at [redacted] Rushmore and he assumed that was where the other deputies and the suspect were. He did not know who the deputy was.

Deputy Canfield then ran to the location and tripped as he came around the corner of the house; as he tripped, he ran into one of the deputies. He explained, "I pretty much tackled one of the other deputies as I was coming onto the scene." He saw that the suspect was on the ground and his hands were out in front of him. Deputies Callahan, Perez and Morris were on top of the suspect and trying to get his arms behind his back. When asked which deputy he "tackled," Deputy Canfield said, "It wasn't Callahan, I know that. It was either Perez or Morris, but whoever was on--well, I was coming around, it would be on the right side. I don't know who."

Deputy Canfield said that the suspect was on his stomach, with his head toward the street and his arms straight above his head. The deputies were struggling with the suspect and ordering him to stop resisting. When asked to describe the struggling, Deputy Canfield said, " I know that on his right side, I believe they were trying to get his arm behind his back. No one had his left arm. That's when I ran in there and tried to grab his left arm and pull it behind his back. They were punching him in the sides here." When asked, "Who's they?" Deputy Canfield said, "Like I said, I don't know who I ran into. Whoever I ran into on the suspect's left side, and I don't think it was Callahan. Callahan I think, was more down towards his feet. So I'm sure it was Morris or Perez." Deputy Canfield added that he was not certain about the positions of each deputy. He did see a deputy on the left side of the suspect strike the suspect's left side with a fist about three times. Deputy Canfield said that he also saw the deputy on the right side of the suspect, strike the suspect's right side, two to three times with his fist. He could not recall who of the three that deputy was.

When asked what the suspect was doing to resist, Deputy Canfield said, "He was -- he was -- he was squirming. Yeah, he was, you know, shifting his body from side to side." He added that the suspect was not allowing the deputies to handcuff him.

As the suspect continued to struggle, Deputy Canfield was on the left side of the suspect, near his shoulder, and grabbed the suspect's left arm and tried to pull it back. The suspect "stiffened up." During this time, either Morris or Perez was to the right side of Canfield; however, Canfield could not recall which one. As Deputy Canfield was still attempting to pull back the suspect's left arm, the same two deputies punched the suspect's sides again, and they were able to pull the suspect's arms behind him and handcuff him. Deputy Canfield handcuffed the suspect.

Deputy Canfield said that he never punched, kicked, nor struck the suspect with a flashlight. Once the suspect was handcuffed, Deputy Canfield said that he got up and walked back to the original traffic collision. He did this to search the suspect's vehicle. When he left, the suspect was still on the ground. As Deputy Canfield was walking away, he saw Sergeant [redacted] walking up. Deputy Canfield thought he and another deputy impounded the stolen car and eventually went back to the Station. Deputy Canfield said that he never saw Deputy [redacted] at the scene.

When asked if it was his opinion that he used force on the suspect, Deputy Canfield said, "Yes. I tried to overcome the resistance of another, so yes that would be force." When asked if he reported his force to anyone, Deputy Canfield said, "Not immediately, no." Deputy Canfield acknowledged that Sergeant [redacted] was his immediate supervisor and he did not report his force to her while still at the scene. When asked why he did not report his force and the force that he had observed, Deputy Canfield said, "I think my concern at that point was to go back to the car, clear the car and make sure everything was okay. As I said, I walked all the way back here. I saw Sarge up here. So I dealt with the car and I left." He added, "Dealt with the car, then I left the scene. Eventually, I went back to the station, but I did not--you know, I should have probably walked back and talked to her, but I did not. I went back to the station."

Deputy Canfield was asked why he didn't go back and report his force to Sergeant [redacted] after the car was cleared and he said, "Good question. I have no excuse. I just didn't go back. I think at one point, somebody said, 'We're all going to the station' and that's where we went."

[redacted]

Deputy Canfield said that he, along with Deputies Perez, Morris, Callahan and [redacted] then went to the briefing room at the Station. When asked what happened in the briefing room, Deputy

Canfield said, "I think Sergeant [redacted] came in at one time, asked if--I don't even know her exact words, but just asked if anything happened other than, you know, the pursuit. And nobody said anything. I know that Sergeant [redacted] not Sergeant [redacted] but Lieutenant [redacted] came in, asked the same thing, and same result, nobody said anything." Deputy Canfield was asked why he didn't say anything at that point and he said, "Good question. I don't know. It was a mistake. I should have said something." When asked, Deputy Canfield acknowledged that he was familiar with the Use of Force policy.

When asked what happened next, Deputy Canfield said, "After Lieutenant [redacted] came in and asked, we walked outside, basically discussed what happened amongst ourselves, and came back in. I don't know who we reported to, if it was a sergeant or a lieutenant. I don't recall who was in that -- in that second time we went back in there."(briefing room)

> **IAB Note:** After telling Deputy Canfield Sergeant [redacted] account of the events during and after the debriefing, he was asked if he recalled those same events. He said he did not recall Lieutenant [redacted] talking about the importance of reporting force. He said, "He may have. Honestly, I don't recall what--we were in there for several minutes. I don't recall the exact conversation. I remember the end of the conversation when he asked, 'Was there anything else you want--you want to tell me?' and that's when, you know--nothing was said." When asked what he thought Lieutenant [redacted] meant, Deputy Canfield said, "I think he implied, 'Did anybody use force?'" Regarding his recollection of the sequence of events, Deputy Canfield said, "I think--I remember the main briefing and nothing was said. And I don't recall her (Sergeant [redacted] coming back in. I mean that's, you know, my bad memory, I guess. I don't recall her coming back in and saying the guy has injuries or anything like that. I just remember getting up after the debriefing with Lieutenant [redacted] and going outside and discussing it and coming back in and telling him. I don't recall, you know, her or Lieutenant [redacted] ever coming out and telling, 'The guy's injured; he's hit with a flashlight.' I don't remember any of that."

Deputy Canfield was asked when he finally reported the force that he used and/or observed, and he said, "After we went out and spoke in the parking lot." He added that they went back in as a group. He could not recall who they reported their force to, but assumed it was Sergeant [redacted] but added that he wasn't specifically sure. All the involved deputies were present when the force was reported. When it was pointed out that his report did not indicate who he reported his force to, Deputy Canfield acknowledged that he should have done that.

Deputy Canfield could not specifically recall when he found out that the suspect was struck with a flashlight. He said that he probably heard it while in the parking lot. He did not recall Sergeant [redacted] telling him about the flashlight strikes.

When asked again why he had not reported his force during the debriefing, Deputy Canfield said, "Good question. I don't know; froze. I remember Lieutenant [redacted] specifically going down asking each individual, you know, 'Is there anything else you want to tell me?' And [I] was the last one and I just froze 'cause nobody else said anything."

During follow-up questions regarding the force used at the scene, Deputy Canfield said he did not recall any deputy having a hold of the suspect's left hand or arm at the time he first saw the suspect. He said, "His left arm, no, no, 'cause that's the side I went to. I think someone had his right hand, but not his left hand." Also when asked, Deputy Canfield acknowledged that during the time the suspect was on the ground, Canfield did not ever see the suspect to have his hands tucked underneath his chest or in his waistband area. The suspect's hands were always out and above his head and they were trying to pull them back behind his back.

At the conclusion of Deputy Canfield's interview, he said that he had nothing to add.

Refer to Exhibit A-Pages 53 for the Supplemental Report written by Deputy Canfield and Subjects' Interviews Section for complete interview transcript.

Deputy Daniel Morris related that he recalled the pursuit and arrest of Suspect Galaz on October 10, 2003. Deputy Morris said that he was either the second or third unit behind the suspect. Deputy Morris saw the suspect crash and run from the car. Deputy Morris, along with Deputy Callahan chased the suspect to [redacted] Rushmore Street, where the suspect ran between two houses. Deputy Morris was in the lead. Deputy Morris knew that his partner, Deputy Perez, was also behind him, but he did not know if Perez was ahead of Callahan.

Deputy Morris said, "As I chased him, he fell forward into the fence separating the front yard from the back yard. He got up, and as he's pulling himself up over the fence, I ordered him and Deputy Callahan ordered him to stop. At that point, he fell back off the fence, turned towards us. His fists were balled. He was--I guess his adrenalin was pumping, I don't know. But anyway, he turned his--in a fighting stance, lunged towards me, at which point I grabbed, I believe it was his left arm, and pushed him to the floor." Deputy Morris continued, "The ground, fell to the ground. I was hunched over in an awkward position trying to maintain control over his left arm. I felt that he was--he was--He fell to the ground. I grabbed his left arm as he's falling to the ground. He--well let me back up. He fell to the ground. He started to get up off the ground. I grabbed his left arm. He pulled his

arm away from me towards his chest. As he's pulling his arm away from me towards his chest, I--I felt I was losing the grip on his--on his arm. I struck him several times with my right hand in his left, I think his left side. At this point, I'm hunched over; I'm standing up. I'm not--I'm not kneeling. I'm standing up over him. He's on the ground trying to get up and trying to pull his arm away from me. I--I strike him several times in the--in the side. I still don't have a very good grip on his--on his arm. I reposition myself. At that point, I drop--I put my knee on his--on his shoulder--shoulder/neck area and I was able to get a little more leverage at that point. And with my partner--my partner--I noticed my partner there at that point (Perez). I don't know if he was there before that, but I noticed him there at that point. He struck him a couple times in the side as well. At that point, I was able to pull his arm back behind his back and I had control over his left arm. I believe Deputy Canfield showed up. I'm not sure who had his right arm, but at some point, we're able to handcuff--handcuff him with his left arm and right arm and stand him up."

Deputy Morris did not know who handcuffed the suspect. He added, "I know that I controlled his left arm. I'm not sure who actually put the handcuffs on him or who had his right arm. I was kind of focused on what I was doing."

In follow-up questions, Deputy Morris was asked if he forced the suspect to the ground or if the suspect fell to the ground. Deputy Morris said, "He lunged towards me with his arm and I grabbed his arm. And I'm not sure if it was my action that put him on the ground or his footing or whatnot, but as he came at me, I grabbed his arm and he went to the ground."

Deputy Morris recalled that only Deputy Callahan was there, at the point the suspect went to the ground.

Deputy Morris was told the suspect's account of the arrest: that he came up to the fence and tried to get over it; however, he couldn't, so he gave up, turned around, went down on his knees and put his hands on his head. Deputy Morris responded, "That didn't happen."

Deputy Morris related that during the struggle, he gave the suspect several commands to stop resisting. When asked how many times he struck the suspect, Deputy Morris said, "I would say more than two, less than--less than six. I--I wasn't counting." He added that he struck the suspect with his right fist on the suspect's left side and back area. Deputy Morris said that he did not strike the suspect with a flashlight, nor did he kick the suspect. Deputy Morris said he did not see Deputy Callahan strike the suspect. Deputy Morris saw Deputy Perez strike the suspect on his left side.

When asked his reason for striking the suspect, Deputy Morris said, "He was pulling away from me. He was pulling his arms away from me. He was fighting, he was struggling trying to--trying to get

away. He was pulling his arms under his body. I didn't know if he was--I didn't know if he had anything on him that could hurt me. I had no idea. All I knew is that he didn't want to go to jail." The suspect did not punch or kick Deputy Morris.

Regarding his position in relationship to the suspect during the strikes, Deputy Morris said he was perpendicular to the suspect and on the suspect's left side. Deputy Perez was to the right of Deputy Morris, on the suspect's left side. Deputy Callahan was on the right side of the suspect.

Deputy Morris was asked if he knew why he didn't see Callahan punching the suspect's right side and Morris said, "I would say the--there's a lot going on. It's dark. I wasn't really focused on what the other guys were doing. I was focused on what the suspect was doing."

After the suspect was handcuffed, he was stood up. Deputy Morris was on the suspect's left side, holding the suspect with two hands, one on the left biceps area and one on the left forearm. Deputy Morris explained what happened next, "Two hands on him. We stand him up. As he is--while he's standing up, he lunges towards me with his head. I lean back, and as I--I lean back away from him, Eric reached across, grabbed him by the shoulder, and pulled the suspect away from me, at which point – Deputy [redacted] Yeah, I always mess up his last name; he struck him one time in the stomach." When asked how many times he saw Deputy [redacted] strike the suspect, Deputy Morris said, "I saw him strike him one time in the stomach." Deputy Morris said he only saw Deputy [redacted] hand strike the suspect. They then gained full control of the suspect and escorted him to a patrol car.

Deputy Morris was asked to describe the suspect's exact actions during the "attempted head-butt." He responded, "I was standing close to him. I had--I had hold of his bicep and his forearm and kind of--we were in close proximity to each other and he swung his--he swung his head towards me in a head-butting type fashion. I'm standing on his left side kind of--my chest would be towards his--towards his tricep area." He added that he was still perpendicular to the suspect and, "at that point, he--the suspect swung his head at me. That's the best way I can describe it, he swung his head." Deputy Morris said that if he hadn't have leaned back, the suspect would have hit him in the head. When asked what part of the suspect's head would have hit him, Deputy Morris said, "The--a front portion of his forehead would have hit me." He added that it would have hit him (Morris) in the face.

Deputy Morris acknowledged that after the suspect was placed in the patrol car, Sergeant [redacted] and Sergeant Robert Lawrence arrived at the scene. Deputy Morris acknowledged that both sergeants asked him if force was used. When asked what he told them, Deputy Morris said, "At the time, I

said, 'No.'" When asked why he said, "No," Deputy Morris said, "I have no explanation other than poor judgment at the time."

[redacted]

Deputy Morris then acknowledged that he has used force before and that during those times, he reported his force per policy.

Deputy Morris said that while he was at the scene, he did not overhear any deputy report force, nor did any deputy explain what happened during the arrest.

> **IAB Note:** During Sergeant [redacted] interview, she gave an account of what Deputy Morris had reported to her. Later during his interview, Deputy Morris was told Sergeant [redacted] account of what occurred at the scene: that she spoke to Morris and Morris told her that the suspect had put his hands up and everyone went to the ground together because of the wet grass and that the suspect was then handcuffed without any further incident. Deputy Morris said that he did not recall telling this to Sergeant [redacted] He said he recalled talking to Sergeant [redacted] however, he did not recall giving her an explanation as to what occurred. He did recall that Deputy Perez was with him when he talked to Sergeant [redacted] at the scene. He recalled that she asked them if force was used and that they said, "No."

Deputy Morris acknowledged that he attended the pursuit debriefing by Lieutenant [redacted] He also acknowledged that during the debriefing, Lieutenant [redacted] wanted to know if force was used during the incident and Morris did not report his force at the time. When asked why he didn't report his force at this time, Deputy Morris said, "I would say it was one bad decision after another at that point."

Deputy Morris was told the account of the sequence of events according to Sergeant [redacted] that she and the lieutenant left for a short time to go talk to the suspect and was gone for about fifteen minutes and then came back to the briefing room and the involved deputies were still there. She then told the deputies that the suspect was alleging that he was punched and/or was struck in some manner and that they needed to figure out or discuss what they needed to tell her. And then at that point, the involved deputies collectively went outside and discuss the issues. Deputy Morris agreed with [redacted] account by saying, "Yeah, sounds about right."

When asked how long the discussion took, Deputy Morris said, "I couldn't really put a time on it. I don't think it was--it was that long of a--of a period that we were out there." When asked what was

discussed, he said, "Basically that, you know what, we made a mistake and we should really report what--what happened, you know; didn't do anything wrong up until the point that we didn't report it."

Deputy Morris then acknowledged that at some point, he reported the force he used. He thought he reported his force to Lieutenant [redacted] in [redacted] office or in the briefing room, but he could not recall. When asked what force he reported, Deputy Morris said, "All the force that is documented, all the force that was used."

> **IAB Note:** During Lieutenant [redacted] interview, he stated that no force was ever reported to him on the night of the incident.

Regarding [redacted] flashlight strike, Deputy Morris said he did not know about it until later when the force was being reported to Lieutenant [redacted] Morris was specifically asked if the flashlight strike was discussed outside with the other deputies and he said, "No. That was when we--when it was reported to the Lieutenant." Deputy Morris was asked, "So when you were outside discussing this situation, no one said at that point that a flashlight had been used?" He answered, "No. We weren't discussing the--the force that was used; we were discussing the fact that we used force and that we needed to report it." He then reiterated that he didn't know about the flashlight strike until the force was being reported and he overheard it being reported.

Deputy Morris acknowledged that he did not include in his report, who he reported his force to. When asked the reason he didn't include it, he said, "I didn't report it at that--at that time." He acknowledged that he understood the policy and that the policy requires that documentation.

Deputy Morris asked why, besides bad judgment, he did not report his force, if he felt the force was justified and he felt that he didn't do anything wrong. Deputy Morris answered, "The--it was a very adrenaline-pumping situation, you know. It--it terminated. And when it terminated, I just wasn't thinking clearly. That's my only--my only explanation. I just didn't do the right thing at that point. I should have and didn't. And then by the time we got back to the station, you know, I had already said no, I hadn't used any force out in the field. By the time I got back to the station, it was--it just, you know, there was a certain--there was a certain lag time in saying--between realizing you know what, 'I didn't do anything wrong.' At this point, I'm going to get in trouble anyway, you know. At some point, I got to step up and say, you know what, 'I'm going to get in trouble, face facts, and just--and just deal with it, do the right thing and deal with it. Take your lumps and go on with it.' And that was it. Just took a little while to get from point A to point B, that's all."

When asked, Deputy Morris acknowledged that he reported his force after learning that the suspect was alleging injuries. When asked if he only reported his force because the suspect alleged that he was hit, Deputy Morris said, "No." Deputy Morris was then asked, "If the suspect hadn't alleged anything, would you have reported your force at some point?" He answered, "Yes."

At the conclusion of the interview, Deputy Morris was asked if there was anything he wanted to add, that he felt was important to the investigation and he said, "Only that I'm sure I'm I--I'm with everyone when I say, I wish we had done the right thing at the--at the right time. We wouldn't be here now."

Refer to Exhibit A-Pages 46 through 48 for the Supplemental Report written by Deputy Morris and Subjects' Interviews Section for complete interview transcript.

Deputy Arthur Mark Perez related that he recalled the pursuit and arrest of Suspect Galaz on October 10, 2003. Deputy Perez was working with Deputy Morris.

The suspect crashed his car and ran. Deputies Morris and Perez chased the suspect. Deputy Perez said, "At this point, at the termination of pursuit there was a foot pursuit. We chased--we chased him. Deputy Morris was ahead of me. He was a little bit closer, tactically a little bit closer than where I was. He was ahead of me. When I had come around the corner, he was on--the suspect was on his stomach and he was flailing around his arms and legs. He wasn't handcuffed yet. He was--he was being combative. He--I recognized him as a gangster. I know that Deputy, I believe Deputy Callahan, or--was on the right side and he was attempting to--he was struggling with his right hand trying to handcuff him. He was ordering him to put his hands behind his back so we can handcuff him. He was refusing. He was still flailing. Deputy Morris was on the left side trying to--struggling with his left hand trying to handcuff him. They couldn't--between the two of them, they couldn't handcuff him yet. He was still flailing. I--I recognized him as a gangster. I thought he was possibly armed. I thought that if I can--I gave him a couple of strikes to, I believe it was the right side of the torso area in an attempt, so they can handcuff him. I was ordering him at the same time to put his hands behind his back so we can handcuff him. They still couldn't get him handcuffed. He was trying to get away. He was trying to--he was flailing. His feet were kicking. I believe--if I can refer to my report." After a short pause, he continued, "So we were still ordering him to put his hands behind his back. Deputy Callahan, I saw him strike the suspect a couple times on the right side of the torso also trying to get him handcuffed, to bring his hands behind his back. At that time, I believe it was Deputy Canfield, he finally arrived, and with his assistance, we're, between the four of us, finally get both arms behind his back so we can handcuff him. And that was without further incident after that."

> **IAB Note:** During Deputy Callahan's interview, he said that Deputy Perez was next to Deputy Morris on the left side of the suspect.

In follow-up questions, Deputy Perez was asked if Deputy Morris was ahead of him during the foot pursuit. He related that Deputies Morris and Callahan were both ahead of him. He also said that he believed that Deputy Callahan was in the lead, a few steps ahead of Deputy Morris, and Morris was about ten yards ahead of him (Perez).

> **IAB Note:** Callahan and Morris both said in their interviews that Morris was the lead deputy in the foot pursuit.

> **Additional IAB Note:** During Perez' interview, it was pointed out to him that he didn't mention in his report that Deputy Callahan was in the foot pursuit of the suspect. When asked if there was a reason for not putting Callahan in his report, Deputy Perez said, "Nah, I just listed my partner 'cause he was directly--I was with him; he was my partner, so Deputy Callahan was ahead of him, so I just listed Deputy Morris since he was closest to me."

Regarding the suspect's position when Perez arrived between the houses, Deputy Perez said that the suspect was on his stomach, and his hands were out and above his head. When asked to describe the suspect's actions, Deputy Perez said, "He was flailing. Deputy Morris and Deputy Callahan were trying to get his hands behind his back. He was just refusing. He was fighting. He was kicking. He just--they couldn't do it."

When asked to describe the positions of everyone, Perez said, "Deputy Morris was--I believe he was on the left side and Callahan was on the right side." Regarding his own position, Perez said, "I was on Deputy Callahan's side, on the right side." He further explained that Callahan was on his right side, nearer to the suspect's head.

Deputy Perez said that he and Deputy Callahan struck the right side rib area of the suspect. They did not have anything in their hands at the time. Deputy Perez said that he did not see Deputy Morris strike the suspect; he only saw Deputy Callahan strike the suspect. Deputy Perez said that he repeatedly ordered the suspect, "Put your hands behind your back."

According to Deputy Perez, when he first arrived to the scene of the struggle, Deputy Callahan did not have control of the suspect's right arm. It was after Deputy Canfield arrived that they were finally able to get the suspect's hands behind his back.

Deputy Perez said that he punched the suspect three or four times. The reason that he punched the suspect was because they couldn't get control of his arms. Deputy Perez wasn't sure who actually handcuffed the suspect, but believed it was Deputy Canfield. Deputy Perez did not recall if Deputy Canfield left the scene after the suspect was handcuffed. He did not recall seeing Canfield at the scene after the suspect was handcuffed.

Deputy Perez acknowledged that Sergeants [redacted] and Lawrence arrived at the scene at some point and asked if force was used. When asked what he told them, Deputy Perez said, "At that point, we said, 'No.'"

[redacted]

When asked if he had any conversation or discussion with Sergeant [redacted] while at the scene, Deputy Perez said, "I don't remember talking to her." He also did not recall Deputy Morris talking to her.

Deputy Perez was told Sergeant [redacted] account of what occurred at the scene: that she spoke to both him and Deputy Morris together, at the same time, and that they essentially told her that the suspect had put his hands up and the deputies went to the ground because of the wet grass. And then Galaz was then handcuffed without any further incident. When Perez was asked if he recalled that account, he said, "I don't recall talking to her about that."

When asked why he did not report his force to either Sergeant [redacted] or Sergeant Lawrence, Deputy Perez said, "You know, it was at the termination of the pursuit, you know. Our adrenaline and everything, like it was pumped up and running. I mean it was a lapse in judgment. It was just a lapse in judgment, basically."

Deputy Perez acknowledged that he has used force in the past and familiar with the force policy. He was then asked why this situation was different than ones in the past and he answered, "It was just a--it was just a very high-risk situation. Like I said, our adrenaline was flowing and it's a long pursuit. It was just--it was just a lapse in judgment."

Deputy Perez acknowledged that he later attended a pursuit debriefing at the Station with Sergeant [redacted] and Lieutenant [redacted] and that Lieutenant [redacted] related that if force was used, it needed to be reported. Deputy Perez admitted that he did not report his force to Lieutenant [redacted] during this debriefing. When asked why he didn't report his force, Deputy Perez said, "Like I said, it was

just--it was a lapse in judgment." He was then asked if his adrenaline was still pumping at the time and he answered, "Yes, it was still--it was soon after still. It was, I'd say, still going."

Deputy Perez said that he recalled that at some point after the debriefing, Sergeant [redacted] and Lieutenant [redacted] left the briefing room. Then at some point Sergeant [redacted] came back and told him and the others that the suspect was now alleging that he was struck in some way. She told them something to the effect, "You need to think about whatever you need to tell me and come back to me." Deputy Perez acknowledged that at that point, he did not report his force to Sergeant [redacted]

Deputy Perez was asked what he and the other deputies did at this point, and he said, "I believe we went outside. I thought we didn't do anything wrong. Like I said, it was a lapse in judgment and I know we didn't do anything wrong. So we got to, you know, tell them that yeah, we used force. And I thought to myself, too, 'We didn't do anything wrong. We just got to tell them we used force and write it.'"

At some later point, Deputy Perez reported his force. He said he "believed" that he reported it to Sergeant [redacted] however, he could not recall if he did that independently or as a group with the other involved deputies. Deputy Perez acknowledged that in reference to the sequence of events, it was after he learned from Sergeant [redacted] that the suspect had alleged that he was struck and had injuries.

It was pointed out to Deputy Perez that in his report, he had not documented who he reported his force to. When asked why, he said, "No specific reason. I just--I should have documented it, but I didn't. That was an oversight on my part." He said in past incidents, he has done so.

Deputy Perez estimated that the incident lasted about two minutes; from the time he reached the suspect to the time the suspect was stood up. Deputy Perez said that he walked away as soon as the suspect was stood up. He said, "I had walked away by then. I don't--I don't recall what happened after that." Deputy Perez said that he did not see Deputy [redacted] strike the suspect, nor did he recall seeing Deputy [redacted] at the scene. Deputy Perez said, "Later on, but not--I don't recall, it was dark. I don't recall seeing him there at that time." When asked what he did after the handcuffing, Deputy Perez said, "After that, I remember walking back to the car. There was cars all over the place. I was just trying to--my flashlight was in the street. I'm just--I was trying to pick up stuff and I just started heading back." Deputy Perez said that he didn't recall if he assisted in picking up the suspect, nor did he recall if the suspect was still on the ground when he walked away.

Regarding the flashlight strikes by Deputy [redacted], Deputy Perez said that he didn't learn about them until sometime later at the station when the Supplemental Reports were being written.

Near the conclusion of the interview, Sergeant Morejon asked Deputy Perez, "One might ask, here's a pursuit, a use of force, five experienced deputy sheriffs out in the field, and all five deputy sheriffs, after using force, have a lapse in judgment. Can you explain your part? I mean one might ask, here's five different individuals and all five decide or have a lapse in judgment and don't report the force. Any explanation for that?" Deputy Perez answered, "I can't talk for everybody else and it's just myself, you know. I had a lapse in judgment. I really can't speak for everybody else, what they were thinking or--or what was going through their head."
According to Deputy Perez, there was no discussion about the force he used or witnessed, while still at the scene. He agreed that he had a number of opportunities to report his force.

Deputy Perez said that he had nothing to add at the conclusion of his interview.

Refer to Exhibit A-Pages 49 and 50 for the Supplemental Report written by Deputy Perez and Subjects' Interviews Section for complete interview transcript.

IAB Note: The following is summary of the force as related by each involved deputy during their interviews:

Morris said the suspect turned and went into a fighting stance and lunged toward him. At this point, Morris grabbed the suspect's left arm, and pushed the suspect to the ground. Morris then said that the suspect fell to the ground. Morris was unsure if he forced the suspect to the ground or the suspect fell to the ground. Morris was hunched over the suspect in an awkward position trying to maintain control over the suspect's left arm. The suspect started to get up off the ground. The suspect pulled his arm away toward his chest. As the suspect pulled his arm away from Morris, Morris felt he was losing the grip on the suspect's left arm. Morris, with his right hand, then punched the suspect's left side two to five times. Morris was standing/hunched over the suspect at the time he punched him. Morris did not have a "good grip" on the suspect's left arm so Morris placed his knee on the suspect's shoulder/neck area to gain leverage on the suspect's left arm. At this point, Morris noticed Perez there for the first time. Morris saw Perez punch the suspect a "couple" of times, also on the suspect's left side, and Morris was then able to pull the suspect's left arm behind the suspect's back and control it. Canfield arrived and the suspect was handcuffed. Morris did not know who had control of the suspect's right hand, nor did he know who actually handcuffed the suspect. Morris did not see Callahan strike the suspect. Morris said that his reason for punching the suspect was because the suspect was struggling and trying to get away and the suspect was "pulling his arms under his body." During the punches, Morris was on the suspect's left side. Perez was to Morris' right side and Callahan was across from Morris, on the suspect's right side.

Callahan said that as he came around the corner, he saw Morris trying to pull the suspect from the fence. Callahan said he heard a loud bang, and the suspect tried to run into the fence and knock it over. Callahan then said that he did not actually see the suspect try to knock down the fence. After reviewing his report, Callahan said that as he came around the corner, he heard the suspect hit the fence at the same time he saw Morris pulling the suspect from the fence. Callahan's report read, "I observed the suspect fall directly into the fence head first, then fall to the ground." After reviewing his report again, Callahan said he saw the suspect run into the fence, in an attempt to knock it over. The suspect was unable to knock the fence over, so he tried to climb over it but couldn't. Callahan and Morris both ordered the suspect to the ground. The suspect then turned around and took a "fighting stance." Callahan observed the suspect lunge toward Morris in what looked like an attempt at hitting Morris. At this point in his interview, Callahan asked if he could read directly from his report. When told that we preferred that he did not read directly from his report, we went off the record and Callahan reviewed his report again. After reviewing his report a third time, Callahan reiterated that the suspect tried to climb over the fence, but was unable to do so. The suspect turned and took a "fighting stance." Morris was a few feet away at the time and Callahan was about ten feet away and still running toward the suspect. The suspect lunged at Morris and tried to strike Morris. Morris, who was on the left side of the suspect, grabbed the suspect's left arm. Callahan adjusted his position in the confined space and then grabbed the suspect's right arm and together, with Morris, they were able to take the suspect to the ground. During a follow-up interview and a review of the news footage video showing the end of the foot pursuit, Deputy Callahan acknowledged that he is seen in the video with his hands on the fence to his left and he is moving his legs and feet. Callahan said that he was re-positioning his feet.

Once on the ground, Callahan positioned his right knee over the center of suspect's shoulder blades, in an attempt to keep the suspect on the ground because the suspect kept trying to get up off the ground by utilizing his knees and elbows. Callahan said they had a hold of the suspect's arms at the time. Callahan was concentrating only on the suspect's right arm/hand, trying to get it behind the suspect's back in a position for handcuffing. Callahan was not sure and it was not in his report, but based on past arrests, he believed he had one hand on the suspect's right wrist or forearm and one hand near the suspect's shoulder for leverage. At one point, Callahan felt they were losing control because the suspect was raising off the ground. Callahan punched the suspect's right side/torso several times to get the suspect to give up his right hand. Callahan let go of the suspect's right wrist in order to punch the suspect's right side rib area.

After Callahan punched the suspect, the suspect gave up his right hand and Callahan had it in a control hold behind the suspect's back in a position for handcuffing. Callahan then looked up and saw Perez was next to Morris, on the suspect's left side. Callahan saw Perez punch the suspect's left side/rib area, unknown which hand. Morris was still attempting to gain control of the suspect's left arm/hand. Perez was directly to Morris's right side and at the lower torso area of the suspect. After Perez punched the suspect, he and Morris were able to gain control of the suspect's left arm and put it behind the suspect's back. Canfield arrived and the suspect was handcuffed. Callahan could not recall who actually put the handcuffs on the suspect. Callahan did not see Morris strike the suspect.

Perez said that the suspect was on the ground on his stomach. Perez was on the suspect's right side. Perez was next to Callahan who was also on the right side. Callahan was closer to the suspect's head and Perez was closer to the suspect's waist. Perez saw Callahan strike the suspect's right rib area. Perez also struck the suspect's right rib area. Perez did not see Morris strike the suspect. Perez said that Callahan could not get control of suspect's right hand until Canfield arrived. Perez said he did not recall seeing [redacted] at the scene.

Canfield said that the suspect was on the ground on his stomach. The suspect's hands were straight out above his head. No one had the suspect's left hand. Morris and Perez were together on the suspect's left side. Canfield saw both Morris and Perez strike the suspect's left side, two to three times and the deputy on the right side, (Canfield could not recall who that deputy was) struck the suspect's right side, two to three times. Canfield grabbed his left arm and tried to pull it behind the suspect and suspect stiffened up, and wouldn't let him pull his arms back. Canfield was on the suspect's left side near his shoulder trying to pull his arm back. Either Perez or Morris was to his right side at the time. As Canfield pulled on the suspect's left hand to get it behind his back, Morris and Perez struck the suspect again once or twice. The suspect then gave up his hand and was cuffed. Canfield did not hit the suspect. Canfield said that he did not recall seeing [redacted] at the scene.

> **Additional IAB Note:** According to Sergeant [redacted] notes that she took when the deputies eventually reported force, "Callahan-Right Arm-two punches to right rib area, Morris-Left arm-two punches, [redacted] Jabbed twice, Canfield handcuffed, Perez-Left rib area."

Sergeant [redacted] was interviewed as a Subject in this case, on January 18, 2005, at the Internal Affairs Bureau by Sergeant Elier Morejon and me. Also present was Marlyne Rinaldi from the Professional Peace Officer's Association. The following is a summary of her interview. **Refer to Subjects' Interviews Section for a complete transcription of her interview.**

Sergeant [redacted] related that she recalled the pursuit and the arrest of Suspect Galaz on October 10, 2003.

> **IAB Note:** Sergeant [redacted] was originally interviewed as a Witness, on October 11, 2003, at Pico Rivera Station. A transcribed copy of that interview was provided to her prior to her interview as a Subject. The following is a summary of her interview as a Subject. The interview basically covers two areas: 1) Focus on the deputies' actions on the night of the incident, and 2) Focus on her actions on the night of the incident. **Refer to Subjects' Interviews section for a complete transcription of Sergeant [redacted] interview**

Regarding the actions of the deputies:

Sergeant [redacted] said that she did not recall seeing Deputy Canfield near the suspect when the suspect was being walked out from between the two houses. She recalled seeing Deputy Canfield at the scene, but not exactly where. She did not recall talking to him at the scene.

Sergeant [redacted] recalled talking to Deputy Callahan. They were alone at the time she spoke to him. Sergeant [redacted] said that there was no doubt in her mind that on the night of the incident, Deputy Callahan told her something to the effect, "The guy put his hands up on his head and went down to his knees. They grabbed him and they went down to the grass and they handcuffed him and brought him out." She reconfirmed that on the night of the incident, she checked the grass area and it was wet. Sergeant [redacted] reconfirmed that she also spoke to Deputies Morris and Perez on the night of incident and they essentially told her the same information about the arrest. Again, there was no doubt in her mind about what they told her.

Regarding Deputy [redacted] flashlight strikes, Sergeant [redacted] said that nothing was reported to her about flashlight strikes while at the scene.

Sergeant [redacted] related that during the pursuit debriefing she heard Lieutenant [redacted] essentially ask the deputies if they had anything to add or tell him. It was her understanding that he was giving them an opportunity to report force. The involved deputies did not report any force at this time.

Sergeant [redacted] and Lieutenant [redacted] left the briefing room and talked to the suspect. After talking to the suspect, she returned about fifteen minutes later and the involved deputies were still in the briefing room. She briefly spoke to them and they did not report any force at this point. She then left the briefing room. About thirty minutes later, she was contacted by either [redacted] or Callahan, she could not remember for sure, who now said that they wanted to "talk" to her. Deputies

Callahan, Canfield, [redacted] Morris and Perez meet with Sergeant [redacted] in the briefing room and they now report their force. Sergeant [redacted] wrote notes in her notebook regarding the force used. Deputy [redacted] reported that he had jabbed the suspect with his flashlight. It was Sergeant [redacted] understanding that the flashlight jabs were because the suspect would not submit to handcuffing. **Refer to Exhibit A, Pages 55 & 56, for a copy of Sergeant [redacted] notes**

> **IAB Note:** Sergeant [redacted] related that at this point, while talking to the deputies, she did not know that the suspect was struck with the flashlight while handcuffed. It wasn't until later, when she went to interview the suspect for her force package, that suspect told her that he was handcuffed at the time he was struck with the flashlight.

After interviewing the suspect, Sergeant [redacted] talked to Lieutenant [redacted] and advised him that the suspect was now alleging that he was struck with a flashlight while handcuffed. [redacted] then directed her to talk to [redacted] She re-contacted Deputy [redacted] and at that point, he admitted that he struck the suspect while the suspect was handcuffed. According to Sergeant [redacted] the reason Deputy [redacted] struck the suspect while handcuffed was essentially because the suspect "245'd" him during the pursuit.

> **IAB Note:** This was Sergeant [redacted] interpretation as for the reason Deputy [redacted] struck the suspect. **Refer to [redacted] transcribed Subject Interview, pages 13 and 14** In the follow-up interview with Deputy [redacted] he said that he did not say to Sergeant [redacted] that he struck the suspect because the suspect "245'd" him.

Sergeant [redacted] did not recall Deputy [redacted] ever telling her that the reason that he had failed to report his force was because he "panicked."

Regarding the force that was eventually reported to her, Sergeant [redacted] said that she did not recall any deputy telling her that the suspect turned around and took a combative stance. Additionally, she did not recall Deputy [redacted] report to her that the reason he struck the suspect with his flashlight was because the suspect tried to head-butt Deputy Morris. Sergeant [redacted] added that she did not recall any deputy at any time report a "head-butt" to her.

> **IAB Note:** Sergeant [redacted] notes indicate nothing about a "head-butt." She read her notes as follows: "Callahan on the right arm with two punches to the right rib area; Morris with the left arm with two punches; [redacted] jabbed twice; Canfield handcuffed and Perez left rib area." Later in the interview, the "head-butt" issue was again discussed. After a brief discussion, Sergeant [redacted] agreed, that based on her

experience and past habits, that if a "head-butt" would have been reported to her, she would have wrote it in her notebook. Her conclusion from not having it noted was that the "head-butt" was not reported to her. Additionally, she noted, "Perez-left rib area," and during his interview, Perez said he was on the suspect's right side.

Regarding the actions of Sergeant [redacted]

Sergeant [redacted] reviewed the use of force policy and acknowledged that she was familiar with it.

Regarding speaking to all of the involved deputies at the scene, she acknowledged that she did not speak to everyone individually to get their information on the force used. She said that it was her conclusion, based on what Callahan told her and later by Morris and Perez, that force was not used during the arrest of the suspect.

Regarding the suspect, Sergeant [redacted] did not see the suspect's nose bleeding; however, she acknowledged that Sergeant Lawrence told her that the suspect's nose was bleeding. She did not ask the suspect if his nose was bleeding.

Sergeant [redacted] acknowledged that the suspect mentioned to her that he had been "hit," and she did not question him as to what happened or "how" he got hit. When asked why she didn't question him, Sergeant [redacted] said, "Because that wasn't the, you know, even if I was going to interview him, that really wasn't the time and place to interview him." When asked if, instead of an interview, why she just didn't ask him what happened, she said, "Well, I talked to him and when I asked him if he was okay and that stuff, but he was so, proper term for being, again, wound up, that they don't want to talk to you." When asked if the suspect refused to talk to her, Sergeant [redacted] said, "No. He just said, 'Yeah, I'm okay,' that kind of thing." Sergeant [redacted] also explained that she did not interpret the suspect saying that he was hit as the same as force being used on him.

Regarding the option of getting immediate medical attention for the suspect, Sergeant [redacted] said that she would "by all means" get the suspect medical attention if he had a serious injury. However, when she spoke with him, there was no indication that the suspect had any injury that required immediate medical attention.

When asked if she told Lieutenant [redacted] that the suspect said that he was hit, Sergeant [redacted] said that she could not remember if she did or not. When asked if she told Lieutenant [redacted] once she returned to the Station, she said that she intended to; however, before she could have a conversation with [redacted] he told her, "Let's go, we're doing the debriefing right now, because a lot of the guys are coming in and asking me about the way [I] managed the pursuit." Sergeant [redacted] said she had

also intended to immediately talk to the suspect when she returned to the station; however, she had to go straight to the debriefing.

Regarding the discussion that Lieutenant [redacted] had with the suspect where the suspect alleged that he was hit and kicked, Lieutenant [redacted] did not discuss with or mention to Sergeant [redacted] the possibility of an administrative or criminal investigation once he heard the allegations. Instead, he directed her to go back and a speak to the deputies.

According to Sergeant [redacted] Lieutenant [redacted] told her, "I want you to go back to those guys and tell them what, that you see some visible injuries and you want to know how those happened and if they have to report any force." She said that she then did as instructed. However, it was pointed out to her that when she went back to the briefing room she told the deputies something to the effect that the suspect was alleging force and injuries and that they "need to think about whatever you need to tell me and come back to me." When asked why she let them leave the briefing room without immediately reporting force at that time, Sergeant [redacted] said, "Because that's what they needed to do."

During additional questions to clarify why she allowed the deputies to leave the briefing room, Sergeant [redacted] said, "I just stepped out. I didn't mean anything by that one way or another. Just that, you know, you use force, admit to it, and I stepped out right to the Watch Sergeant's office, right where it was three steps away." After additional clarification questions, Sergeant [redacted] said that she wanted to give the deputies time to "collect themselves, individually." It was then pointed out to her that her actions appeared as if she was allowing the deputies an opportunity to leave and "get a story together." She responded, "Well, that wasn't my intent." When asked what her intent was, Sergeant [redacted] said, "For them to report the force that they used." She was then asked why she didn't have them report their force immediately at that point as opposed to later and she said, "There's no reason for later as opposed to right now. There wasn't, I didn't, I didn't think that to be anything other than just a report."

Sergeant [redacted] acknowledged that the deputies were gone for about thirty minutes. During that time she did not go out to the parking lot to talk to the deputies.

> **IAB Note:** During Deputy Callahan's interview, he said that Sergeant [redacted] came out to the parking lot on a few occasions to speak to the deputies.

Near the end of the interview, Sergeant [redacted] was asked if she would do anything differently in the same type of situation and she answered, "I'd go off my statement, my first statement I get and I'd back out. I was getting directed by my Lieutenant and he knew every step, because as soon as I had

any information, I went straight to him. I could have summed this up after, but since we're going there now, I mean all his years of experience, all his tenure on the Department, I was being directed by somebody who had much more experience than me with a much better background than me, experience in I.A., experience as a Chief's Aide, experience in Operations. I mean, I look up to him and I respect his judgement, his tenure and whatever he was directing me to do, didn't appear to me to be unreasonable, so I did what he asked me to do."

When asked if she had anything to add to her interview, Sergeant [redacted] said, "I had something else and I should have written it down when I thought of it. But hopefully this is the last time we have to meet like this, but to sum this up, everything that happened, it happened at the scene, told let's get back to the station. Get back to the station, we're told we're going to do this debriefing. We're told they're doing this. I'm directed to do this. Everything I did, I followed everything that I was directed to do by my supervisor. I feel through all my time on the Department, when you're out-ranked and you're directed, you do as directed. So I felt I was following protocol and I was following policy by everything in which I handled it and how I reported it. I think that is it."

In a few additional follow-up/clarifying questions, Sergeant [redacted] related that Lieutenant [redacted] knew that she left the deputies alone in the briefing room to discuss the force.

> **IAB Note:** During his interview, Lieutenant [redacted] said he did not know that Sergeant [redacted] left the deputies alone, nor did he know that they went to the parking lot to discuss the incident.

Regarding doing things differently than what was done in this incident, Sergeant [redacted] concluded by saying that "hindsight's twenty-twenty." She then said, "Fourteen months, like I said, you know, what happened that night and fourteen months later, you come up with all kinds of things you can always improve."

Refer to Subjects' Interviews Section for [redacted] complete interview transcript

On March 2, 2005, follow-up interviews were conducted with **Deputies Callahan, [redacted] Morris, Perez, and Canfield.** These follow-up interviews were conducted for clarification purposes. Also present during the interviews were Helen Schwab and Daryl Brenneman from Green and Shinee. On February 23, 2005, James Brady, from Green and Shinee picked up the transcripts of each deputy's prior interview so it could be provided to them.

> **IAB Note:** The following is a summary of each interview. **Refer to Subjects' Interviews Section for a complete transcription of their interviews**

Follow-up interview of Deputy Callahan

Prior to his interview, Deputy Callahan was shown a video clip of the news footage that captured a portion of Suspect Galaz' arrest. The video shows the suspect near the end of the vehicle pursuit when he crashed and him running from the stolen car. Deputies are seen chasing the suspect, who ultimately runs between two houses where he is taken into custody.

Deputy Callahan confirmed that he was the first unit to stop behind the suspect and that he was the second deputy seen chasing the suspect. Deputy Morris was the first deputy behind the suspect and the first deputy to reach the suspect when he ran between the two houses.

It was pointed out to Deputy Callahan that in the video, Callahan's hands are seen up on the fence area to his left side and Deputy Morris and the suspect have disappeared from view. Deputy Callahan agreed with our conclusion that the suspect and Deputy Morris were already on the ground when they disappeared from view.

Deputy Callahan was then asked to refer to his first interview where he said that he assisted Deputy Morris in taking the suspect down to the ground. He was then asked if reviewing the video tape refreshed his memory and if that was still what he recalled having happened.

> **IAB Note:** Ms. Schwab assisted investigators at this point by rephrasing the question. She said to Deputy Callahan, "It looked as if from the videotape, maybe the suspect was already on the ground or going to the ground with Morris before you even had your hands on him, whereas, when you previously talked about this, you had said that you had your hand, whether it was on the left or the right arm, regardless, in taking him to the ground or when he fell to the ground in some manner. So what the sergeant wants to know is, is there any change in your recollection based on what you viewed on the videotape?" After this rephrasing:

Deputy Callahan answered, "My recollection at that time was that I assisted him to the ground from a full standing upright position, which it appears that I did not." Deputy Callahan was asked what he thought occurred now that he reviewed the tape and he said, "I don't recall exactly. I don't recall if I--I know I assisted him to the ground. If he wasn't in the complete upright position, if he was on his way towards the ground and I turned and assisted laying him down on the ground at that point. That would probably be my best recollection." He added, "I remember moving out of the way as this suspect was going towards the ground. I assisted I believed in putting him on the ground. I... along with other deputies affected the arrest after a short struggle."

IAB Note: At this point in the interview there is a lengthy discussion about what the video depicts and if it was a complete video. The video tape shown was the complete news segment as shown on television. Also discussed was the positions of Deputies Callahan and Morris in relation to the suspect's actions. **Refer to Deputy Callahan's transcribed second interview pages 5 through 14**

Deputy Callahan was asked if he reported to Sergeant [redacted] that the suspect attempted to "head-butt" Deputy Morris. He answered, "No."

IAB Note: A little later in the interview, Deputy Callahan said he could not recall if he reported the "head-butt" to Sergeant [redacted] During Sergeant [redacted] interview, she said that there was no mention of a "head-butt" to her.

Deputy Callahan was told that Sergeant [redacted] was certain of the account that was reported to her on the night of the incident: that he spoke with her in the field and told her something to the effect, "The guy put his hands up on his head, went down to his knees, they grabbed him there and they went to the grass and then they handcuffed him and brought him out." He was then asked, "Did you tell her that?" He answered, "No, sir." As in his first interview, Deputy Callahan said that he "didn't remember telling her much of anything."

When asked, Deputy Callahan said that prior to returning to the station, he did not have any discussion with the other deputies about the force that was used during this arrest, nor was he aware of any discussion by other deputies about the force that was used.

Deputy Callahan was then asked, "When you were still in the field, after the suspect was in custody, did you believe that all of the force that you used or witnessed was reasonable, appropriate, and/or necessary?"

IAB Note: Ms. Schwab asked for the question to be repeated. It was repeated a second time to Deputy Callahan.

Deputy Callahan answered, "At that time I was unsure." When asked why he was unsure, Deputy Callahan said, "I didn't--I wasn't thinking about whether or not the force was good or not, whether it was appropriate. I know that there was nothing that was excessive. I'm--I guess what I meant to say is I don't--I didn't think about it at the time. I have--I had a lot of other things that were going on and I was basically overwhelmed at that point."

IAB Note: For clarification purposes, the question was asked again. Deputy Callahan answered that he did feel the force he used and witnessed was reasonable, appropriate, and/or necessary.

Deputy Callahan acknowledged that in his first interview he said that his reason for not reporting his force was because he was "overwhelmed" and "made an error." Deputy Callahan was then asked to explain in more detail what he meant. He said, "This was my first pursuit initiated. It was a--by today's standards, it was a lengthy pursuit. There was a lot of factors that played into the pursuit, the crashes, the assault on my partner, the foot pursuit at the conclusion of it, the force used during the struggle, the--I was--I was overwhelmed by not knowing everything that I had to do, from gathering witness statements. I'm usually really good at directing people what to do, but this was a--this was a new situation to me and I--I was--I was just overwhelmed with--initially until it--it got sorted out, I realized that it wasn't really as much as I thought it was. But initially I was--I was overwhelmed. I didn't--I didn't know what I had to do. I didn't know, notifications, witness interviews. I didn't know everything that I--the part that I had to play. I was very unsure about how to write a pursuit--write a pursuit report. I had never written one of those either. So I had a lot of unanswered questions that in a sense made me overwhelmed, not to the point of--it was--it was a--it was more than what I was used to and I was--I was overwhelmed at the time. That's--that's about the way I can explain it."

It was then pointed out to Deputy Callahan, that based on his experience, he knew that he was required to report his force and he said, "Absolutely. Absolutely. I had lost--I--I had--I lost track of time, being overwhelmed, having everybody wanting answers from me that I didn't know answers to, yet, deputies wanting file numbers and who's doing this and who's doing what. I was being pulled in a--a million different directions and basically did not--I did not report my force while I was out there. It wasn't until I got back to the station and I was like, okay, well I have--I have to report it. I--I knew that."

Deputy Callahan was asked to explain in more detail, why he didn't report his force or the force he witnessed to Lieutenant [redacted] during the pursuit debriefing when Lieutenant [redacted] asked. Deputy Callahan said, "I don't--I don't--I don't have a reason. It--I--I didn't report it. It was--it was an error on my part. I just didn't."

IAB Note: At this point in the interview there was a lengthy discussion and objection by Ms. Schwab regarding the questions posed to Deputy Callahan. **Refer to pages 23 through 26 of Deputy Callahan's transcribed second interview**

Deputy Callahan was asked why it was necessary to go outside for a discussion prior to reporting their force to Sergeant [redacted] He said, "Because I was the handling deputy and I was writing the report. I had to find out what everybody did, if there was something that happened that I didn't see."

IAB Note: Deputy Callahan was asked a few other clarifying questions, and Ms. Schwab objected to some, saying they were unfair. **Refer to pages 26 through 30 of Deputy Callahan's transcribed second interview**

Follow-up interview of Deputy [redacted]

Regarding the attempted "head-butt" to Deputy Morris, Deputy [redacted] said that he reported it to Sergeant [redacted] When asked to clarify when he did tell her, Deputy [redacted] acknowledged that he did not report it in the field, during the debriefing, or when Sergeant [redacted] returned to the briefing room. Deputy [redacted] also acknowledged that he did not report the "head-butt" when he and the other involved deputies were reporting their force to Sergeant [redacted] as she wrote notes in her notebook. When asked at what point he did report the "head-butt" to Sergeant [redacted] Deputy [redacted] said, "You know, I don't exactly remember when I told her about the head-butt. But when we had discussed, initially reported the force and what we had done and why we had used it, that's when I reported I used my flashlight to jab the suspect because he attempted to head-butt Deputy Morris. I can't tell you exactly where and when that was. But when the whole sequence of events came down to reporting, I had explained that to her."

It was then pointed out to Deputy [redacted] that Sergeant [redacted] did not recall hearing anything about a "head-butt" and that she only recalled that the reason he jabbed the suspect with a flashlight was because he was "squirrelly" and would not stop resisting. Deputy [redacted] was asked if he recalled telling Sergeant [redacted] that and he said, " No, I don't recall that at all."

IAB Note: During her interview, Sergeant [redacted] said she did not hear about a "head-butt" during this incident.

When asked to clarify whether he didn't say this or he couldn't recall saying this, Deputy [redacted] said, "I don't recall telling her that. I recall when I did speak to her outside and I told her that I had hit him with my flashlight and then I realized he was handcuffed, and I told her why I hit him with my flashlight or I jabbed him, because of the fact that he head-butted Deputy Morris. We were outside. That was when I had--you know, we had contacted each other in the hallway. And I asked if I could talk to her outside regarding the incident."

IAB Note: During her interview, Sergeant [redacted] said that she did not go outside to the parking lot, nor was a "head-butt" reported to her.

When asked, Deputy [redacted] said that prior to returning to the station, he did not have any discussion with the other deputies about the force that was used during this arrest, nor was he aware of any discussion by other deputies about the force that was used.
Deputy [redacted] was then asked, "When you were still in the field, after the suspect was in custody, did you believe that all of the force that you used was reasonable, appropriate, and/or necessary?" He answered, "Yes." He said that he did not witness any force.

When specifically asked, Deputy [redacted] said that no deputy ever came up to them at any time on the night of the incident and stated something to the effect, "If you hit him with a flashlight you better say something 'cause this looks very bad, looks like we're trying to cover it up for you." He was then specifically asked if he recalled Deputy Callahan making that statement and Deputy [redacted] said, "No, I don't."

> **IAB Note:** At this point in the interview, it was pointed out to Deputy [redacted] that in his first interview, regarding the reason why he did not report his force was because he had a "momentary lapse of bad judgment." After a short discussion he corrected his statement to "momentary poor judgment."

Deputy [redacted] was then asked to explain what he meant by "momentary poor judgement" and he answered, "Well, in a situation when things are happening so fast I think at that time it was bad judgment on my part and, you know, like I said, it--it--it just was--at the time what had occurred. It was a long pursuit. It was somebody who was potentially dangerous. It was an individual, you know, who rammed my radio car. You know, I mean it just--as time goes things start calming down and you start--you're able to think a little more clearly. You know, at that moment it was a bad decision not to report the--the immediate use of force." It was pointed out to Deputy [redacted] that he said it was a "bad decision." He was asked if he made a decision not to report his force and he said, "No, I--it's not like I sat there and thought about it. It was just at that time, you know, as--as I'm, you know, playing things over in my head as to the sequence of events. And when it came down to it, it. Just why I didn't, I guess I--I panicked. Maybe I was a little scared. You know, it was--it was something that--it went on for a long time. It wasn't just, it happened and it was over. I mean this was something that gradually, from the pursuit to, you know, to the termination of the pursuit and in between there, the 245 on me."

Deputy [redacted] was asked to explain why he didn't report his force at the debriefing. He said, "You know, I just--he asked if there was anything else anybody wanted to say and I just didn't say anything." When asked why, [redacted] said, I honestly couldn't give you an answer. I just didn't say anything."

Deputy [redacted] was asked why it was necessary to go outside for a discussion prior to reporting their force to Sergeant [redacted] He said, "Well, I don't think we went out to discuss what we needed to tell her. I mean we were out talking about how it was gonna be reported with Deputy Callahan, he was the reporting--the handling deputy and--and that's when I had told him, look, I know what I did and I need to report this." In a follow-up question to Deputy [redacted] he was asked why he didn't report his force to Sergeant [redacted] before going to the parking lot and he answered, "I was initially going out to get my paperwork so I can start writing. Why I did not tell her, I--I can't give you an answer."

IAB Note: Deputy [redacted] was asked a few other clarifying questions, and Ms. Schwab objected to some. **Refer to pages 10 through 13 of Deputy [redacted] transcribed second interview**

When asked if he had anything to add to the interview, Deputy [redacted] said, "Well as I--as I stated in my last interview, you know, I know I made a mistake. It was wrong not to immediately report my force. Given the same situation again I would do what I'm supposed to do and report the force. I feel I was justified in using my force."

IAB Note: At the conclusion of the interview, Ms. Schwab asked Deputy [redacted] if he had his flashlight that he used on the night of the incident. Deputy [redacted] brought out his flashlight and it was photographed and the photo is included in this case as **Exhibit E**. Deputy [redacted] also clarified that he used the "butt-end" of the light to jab the suspect.

Follow-up interview of Deputy Morris

Prior to his interview, Deputy Morris was shown a video clip of the news footage that captured a portion of Suspect Galaz' arrest. The video shows the suspect near the end of the vehicle pursuit when he crashed and him running from the stolen car. Deputies are seen chasing the suspect, who ultimately runs between two houses where he is taken into custody.

Deputy Morris confirmed that he was the first deputy behind the suspect as he ran in between the two houses. Deputy Morris also confirmed that the deputy behind him was Deputy Callahan.

Deputy Morris agreed that at one point in the video, he disappears from view very quickly. He did not recall actually seeing Deputy Callahan with his hands on the fence as depicted in the video. When asked his position at the time Callahan has his hands on the fence, Deputy Morris said, "To the best of my knowledge, at that time, the suspect and I were on the floor." Deputy Morris was

needed to be reported." He added that was the same reason as to why he also didn't report his force to Sergeant Lawrence.

Deputy Morris was asked to explain why he didn't report his force during the pursuit debriefing. He said, "At that immediate time, there was probably some hesitation because of, you know, maybe there was a little bit of fear involved that got beyond that."

Deputy Morris was asked why it was necessary to go outside for a discussion prior to reporting their force to Sergeant [redacted]

> **IAB Note:** At this point, Ms. Schwab interjected, " Well, that's a pretty--why did they need to go outside? I don't know that they needed to. They did go outside but – If you're sort of doing an interpretation on that that I don't think is there. They did go outside and no one said that they needed to go outside." The question was then rephrased as follows: "You went outside. Why--I guess the simple question would be--you could have reported the force that you used when Sergeant [redacted] came into the briefing room, but you chose not to. You guys--the fact is, you guys went outside. Why? Why not tell her then if the force is good, why not tell her then, but you guys went outside. And you're out there from anywhere from 25 to 35 minutes." Deputy Morris then said, "Correct." He was asked again, "Why go outside?" Morris answered, "Well. (Long pause.) Well, we went outside." The question was repeated, "Why?" and Ms. Schwab interjected, "If you had a reason at the time." Deputy Morris then said, "I can't think of any major reason as to why we went outside."
>
> **Additional IAB Note:** Deputy Morris was asked a few other clarifying questions, and Ms. Schwab objected to some. **Refer to pages 11 through 14 of Deputy Morris' transcribed second interview**

Follow-up interview of Deputy Perez

Prior to his interview, Deputy Perez was shown a video clip of the news footage that captured a portion of Suspect Galaz' arrest.

Deputy Perez confirmed that he was not seen in the video. He was behind Deputies Morris and Callahan approximately ten to twenty feet.

Deputy Perez was told that Sergeant [redacted] was certain of the account that was reported to her on the night of the incident: that she spoke with Morris in the field and Perez was in the vicinity, and

asked if he forced the suspect to the ground or did the suspect go down on his own. He answered, "As I recall, it was me taking his arm and taking him to the ground." Deputy Morris said that he did not recall if Deputy Callahan assisted him in taking the suspect to the ground. He added that it was possible.

Deputy Morris acknowledged that the suspect attempted to "head-butt" him. When asked if he reported the attempted "head-butt" to Sergeant [redacted] he said, "Not that I recall.

> **IAB Note:** Later during his interview, Deputy Morris said that he did report the attempted "head-butt," but when asked who he reported it to, he said he couldn't recall. Sergeant [redacted] said that there was no mention of a "head-butt" to her."

Deputy Morris was told that Sergeant [redacted] was certain of the account that was reported to her on the night of the incident; that he spoke with her in the field and told her something to the effect, "The guy put his hands up on his head, went down to his knees, they grabbed him there and they went to the grass and then they handcuffed him and brought him out." Deputy Morris was then asked, "Did you tell her that?" He answered, "No." He was then asked what he recalled telling her and he said, "I don't recall the actual conversation I had with her. I know I didn't report force, but I don't recall the actual conversation that I had."

When asked, Deputy Morris said that prior to returning to the station, he did not have any discussion with the other deputies about the force that was used during this arrest, nor was he aware of any discussion by other deputies about the force that was used.

Deputy Morris was then asked, "When you were still in the field, after the suspect was in custody, did you believe that all of the force that you used or witnessed was reasonable, appropriate, and/or necessary?" He answered, "Yes."

When specifically asked, Deputy Morris said that he did not recall that a deputy ever came up to them at any time on the night of the incident and stated something to the effect, "If you hit him with a flashlight you better say something 'cause this looks very bad, looks like we're trying to cover it up for you."

Deputy Morris acknowledged in his first interview, he said that he didn't report his force because he had poor judgment at the time. He was asked to explain what he meant in more detail. Deputy Morris said, "I don't know how much more in depth I can give, other than to say that, pretty much like I said before, I just... maybe it was the adrenaline and everything else that was going on at the time. That I just wasn't thinking clearly at that time. And I got my mind right, and reported what

Morris told her something to the effect, that the suspect had basically given up. When the suspect came around, he put his hands up on his head, he went down to his knees, and he was grabbed, went down to the grass and he was handcuffed. Deputy Perez was then asked if he overheard that account or gave that account to Sergeant [redacted] and he answered, "No."

When asked, Deputy Perez said that prior to returning to the station, he did not have any discussion with the other deputies about the force that was used during this arrest, nor was he aware of any discussion by other deputies about the force that was used.

Deputy Perez was then asked: "When you were still in the field, after the suspect was in custody, did you believe that all of the force that you used or witnessed was reasonable, appropriate, and/or necessary?" He answered, "Yes, it was reasonable."

Deputy Perez acknowledged in his first interview, he said that he didn't report his force because his adrenaline was pumping and he had a lapse in judgment at the time. He was asked to explain what he meant in more detail. Deputy Perez said, "I don't know how to define it. That's the best way I can define it. It was--it was just a--a lapse in judgment. I don't know how to better define that really."

Deputy Perez was asked to explain why he didn't report his force during the pursuit debriefing and he said, "Like I said, from the first interview. It was just a lapse in judgment, just--just an error in judgment on my part."

Deputy Perez was asked why he and the other involved deputies went outside to the parking lot prior to reporting their force. Deputy Perez answered, "I can assume that I had to find out who was even the handling deputy. I was gonna write a sup. I want to confirm who it was 'cause I--had to let them know I was gonna be turning in a sup, even to find out who to turn all the paperwork in to."

When specifically asked, Deputy Perez said that he did not recall that a deputy ever came up to them at any time on the night of the incident and stated something to the effect, "If you hit him with a flashlight you better say something 'cause this looks very bad, looks like we're trying to cover it up for you."

Deputy Perez was then asked the following question, "I think you're the only one that we asked this question on the first interview, but we're gonna ask it again, possibly in a little bit different way. But we understand that you can only speak for yourself, but we have five experienced deputy sheriffs who've used an amount of force that is reportable under policy. It's at the end of a pursuit and all five deputy sheriffs coincidentally and independently failed to report their force. What would be--

looking at this from the outside, what would be your explanation for this?" Deputy Perez answered, "Like I said, it's a lapse in judgment on my part and as far as my explanation, I can't explain other peoples' reason for anything. I can just explain my--my error. That's my explanation of it basically."

Regarding the attempted "head-butt" to Deputy Morris, Deputy Perez said that he did not remember hearing anything about a "head-butt."

At the conclusion of the interview, Deputy Perez said that he had nothing to add to the interview.

Follow-up interview of Deputy Canfield

Deputy Canfield said that prior to returning to the station, he did not have any discussion with the other deputies about the force that was used during this arrest, nor was he aware of any discussion by other deputies about the force that was used.

Deputy Canfield was then asked, "When you were still in the field, after the suspect was in custody, did you believe that all of the force that you used or witnessed was reasonable, appropriate, and/or necessary?" He answered, "Yes."

Deputy Canfield acknowledged that in his first interview, he failed to report his force and he had no excuse for not reporting. He was asked to elaborate and he explained, "My only excuse was I went back to the original car at the collision and as we were impounding the car, I don't know, someone came over the radio and said we're going to the station. So that's--we all just went to the station from there. I did not walk back to the sergeant." He added that he should have gone back and talked to Sergeant [redacted]

Deputy Canfield was asked to explain why he didn't report his force during the pursuit debriefing and he said, "That--as I stated earlier, as the L. T. was going down the line asking everybody is there anything else they want us to tell us, and I was the last one there and they didn't ask me. Nobody else said anything and I, you know--I can't explain why I didn't say anything, but I just didn't. But I--at that moment we all--everyone went outside."

Deputy Canfield was asked why he went out to the parking lot and he said, "Just basically to pretty much figure out who did what. I mean, obviously I went out there and said, I--I had his left arm. Who had the right arm type thing and that kind of stuff. And we all came back in." He acknowledged that he could have reported his force to Sergeant [redacted] without going outside, however, he chose not to.

> **IAB Note:** Ms. Schwab interjected at this point, "You know, I--I have to tell you, sergeant, when you asked a question of a deputy earlier along those lines, you had said to us and I believe it was in [redacted] first interview, that the sergeant had--it says, [redacted] comes back, says she's still in the briefing room--says you're still in the briefing room. And then she tells you guys that you need to think about whatever you need to tell her, something to that effect, and then you guys leave. And the inference is--is that somehow the guys all decide they better get together and talk about this. And in fact from your question, it appears as if the sergeant was encouraging them to somehow meet and talk about what force, if any, was used. So when you had used the term earlier, like why did you need to go outside, it was at the suggestion obviously of supervision that they do that or at least wherever they went, that they talk about this." There was then a discussion regarding this question and Deputy Canfield was asked the following clarifying question:

Deputy Canfield was asked, " Did you feel you needed to go outside because that was what Sergeant [redacted] wanted you to do?" He answered, "I don't recall what Sergeant [redacted] really even said during the debriefing. I remember Lieutenant [redacted] you know, talking to us. But I don't know if they're still in the briefing room or if they had left the briefing room and we just decided to go outside and get a breath of air and, you know, just figure out who did what and come back in and tell them."

Deputy Canfield was asked to explain in a little more detail what was discussed in the parking lot and he said, "Like I said, it was just pretty much on who did what. You know, I stated I had his left arm and whoever had his right arm and feet or, you know, who threw what punches. You know, I don't recall everybody's statements. You know, I just remember what I did. But it was pretty much--that's all it was. It was who did what and let's come back in and report it like we're supposed to."

Deputy Canfield was then asked, "There was a use of force that was reportable. There's a pursuit. You're one of five deputies that are experienced deputy sheriffs, and you're one of the five that collectively, independently, coincidentally failed to report their force. There's different--there's different reasons as to why, you made an error, lapse in judgment, poor judgment. Do you have--I know you can only speak for yourself, but do you have any explanation as to how this could happen?" He answered, "No. It just happens. You know, I don't have an explanation of how it could happen, no. It's just one of those things that happened. I think everybody was caught up in the moment." He added that it has never happened to him before.

At the conclusion of the interview, Deputy Canfield said that he had nothing to add.

Refer to Subjects' Interviews Section for complete transcripts of the follow-up interviews

On March 21, 2005, Lieutenant [redacted] was added as a Subject in this investigation.

On March 25, 2005, **Lieutenant** [redacted] was interviewed at the Internal Affairs Bureau by Sergeant Elier Morejon and I. Lieutenant [redacted] declined representation or an attorney to be present during his interview. His interview was recorded and transcribed.

> **IAB Note:** Lieutenant [redacted] was added as a Subject in this investigation with possible violation of Performance to Standards and Safeguarding Persons in Custody. The main issues included his performance actions as follows: when he failed to have the arrest "run" by him and failed to sign the Arrest Review/Probable Cause Declaration; when he directed Sergeant [redacted] to talk to the deputies after the suspect alleged significant force and the suspect had visible injuries; when he directed Sergeant [redacted] to talk to the deputies another time, after he learned that the suspect was handcuffed at the time that he was stuck with a flashlight; and when he chose not to speak to Deputy [redacted] without the presence of an attorney or representative, although Deputy [redacted] was willing to do so without representation. An additional concern was the timeliness in getting the suspect treated at the hospital. The suspect was arrested at about 2330 hours and records indicate that he was treated at the hospital nearly four hours later at about 0410 hours. **Refer to Subjects' Interviews section for the transcription of Lieutenant [redacted] interview.** The following is a summary of Lieutenant [redacted] interview covering the main issues:

Lieutenant [redacted] said that he recalled the pursuit and arrest of Suspect Galaz on October 10, 2003. He was the Watch Commander at the time of the incident.

Regarding why he did not have the arrest "run" by him and sign the Arrest Review, Lieutenant [redacted] said, "At the time of the incident, no one came to report force to me. Even 'til today, nobody's reported that they used force to the Watch Commander, who I was. My mind-set, what I was thinking is, is that the suspect is in custody. Everybody saw him driving the stolen car. There's no question that he was the person they pursued from that stolen car. Therefore, I didn't think it mattered that they run the arrest by me at that time to tell me the circumstances of the arrest. I've listened to the pursuit tape. I've got people saying that he ran from the car and the Aero unit. I've got them apprehending the suspect. And I've got the Sergeant telling me that no force was used. So we're talking about an incident of an arrest report versus a use-of-force and the documentation required by the Department." He added that he had "no idea," who eventually signed the PCD. Lieutenant [redacted] acknowledged that it is mandatory that felony arrests get approved by the Watch Commander and that he normally ensures that it is done. Although he did not approve the arrest

during this incident, he acknowledged that it was his responsibility to ensure that it should have been done.

> **IAB Note:** Later during the interview, regarding this area, Lieutenant [redacted] was asked if once he saw the injuries on the suspect, if he considered at that point, having the deputies give him a statement as to the circumstances of the arrest. He answered, "No." When asked why not, he said, "Other than the disassociation, that I've got a potential administrative violation, I went back to the office and started making notifications at that point in time." When asked if he now thought that would have been a "good time" to at least speak to the handling deputy, [redacted] said, "Yeah. In retrospect, that's an option. I didn't think of it. I wasn't looking at that. But absolutely. In retrospect, that's a very good point. I could have done that."

Lieutenant [redacted] acknowledged that he had concerns and thought the involved deputies had possibly used force at the terminus of the pursuit. The "flag" went up, when they failed to make eye contact with him during the debriefing. Additional "flags" went up during his conversation with the suspect. At the point Lieutenant [redacted] sent Sergeant [redacted] to speak to the deputies, he believed that policy had possibly been violated. When asked why he sent Sergeant [redacted] to speak to the deputies the first time, he said, "My line of thinking was, at that point in time that I saw the marks, I wanted to start to disassociate myself from the deputies at that point in time. I have a, what I believe to be an unreported use of force by my deputies. And so I went back to my office and began – starting making notifications, that at least I believed I had that minimum policy violation, that I've got deputies not reporting force, I've got witnesses possibly not reporting force, and so I directed the field sergeant, [redacted] to go ask them for the discrepancies."

It was pointed out to Lieutenant [redacted] that based on his statements, he already believed that that policy had been violated. He was then asked for a clearer explanation as to "why" he sent Sergeant [redacted] back to speak to the deputes when they had already had two opportunities to report force. Lieutenant [redacted] answered, "My line of thinking was, as I told you, I've started to disassociate myself and make notifications as to what I had at that point in time. I still believe that as a Watch Commander, you're responsible for managing and directing and knowing what's going on in the shift. So I sent her back to find out what the facts really were. The notifications are starting to be made. I'm starting to tell people above me at my level that we've got some policy violations. I don't know what extreme it is until we get in this dialogue where she's coming back and forth to me to telling me what's going on. So what I'm trying to do is, I'm trying to make sure the deputies that used force, they report it, we get it documented, even though they're going to fall on the sword for not reporting it. They violated policy right then and there."

When pointed out that his answer was still not clear, Lieutenant [redacted] said, "Let me answer it this way then. There is a clear way to do it, and that would be for me to just sit there and say, 'Hey, this is no longer in my ballpark. I immediately call the Internal Affairs Bureau, through the chain of command, and let them handle it and disassociate myself with this investigation totally and give it to somebody else.' I have a responsibility, I think, to the people that I manage and I direct. And to be fair to them, given them opportunity – they're already going to fall by the sword. They've already violated the policy. So I'm giving them another chance to come forward and tell the truth."

Lieutenant [redacted] was then asked if it was simply his intention to give the deputies a third opportunity to report force and he answered, "If you want to say a third opportunity, yes. I wanted to give them an opportunity to tell the truth and get it on paper."

Lieutenant [redacted] said that he did not know that the deputies were still in the briefing room when he directed Sergeant [redacted] to go talk to them. When asked, he said that it was never his intention for Sergeant [redacted] to direct them to go outside and discuss the incident, nor was it his intention for the deputies to congregate outside and discuss the incident prior to reporting their force to Sergeant [redacted]

Regarding medical treatment for the suspect, according to Lieutenant [redacted] a short time after he first spoke to the suspect, he made arrangements for the suspect to be transported to the hospital for treatment. He vaguely recalled that it was about 0035 hours when he first spoke to the suspect and he believed that he directed Sergeant [redacted] to make the arrangements. He did not know why the suspect wasn't treated until about 0410 hours. When asked if he recalled checking on the progress of the suspect getting to the hospital, [redacted] said, "No, because I assumed that when I made the direction to do it, that he would go as quickly as possible."

Regarding the actual reporting of force on the night of the incident, Lieutenant [redacted] said that none of the involved deputies ever reported force to him. He added, "No one reported force to me that evening. And as I sit here today, none of those deputies involved have reported force to me. And I might add, it's not in any of their reports or their supplemental reports that it was either reported to either the Sergeant--either the field sergeant, the watch sergeant, or me."

Lieutenant [redacted] said that no one ever reported to him an "attempted head-butt" to Deputy Morris.

> **IAB Note:** As noted previously in this narrative, some of the involved deputies related that they reported their force and the "attempted head-butt" to Lieutenant [redacted]

During his first conversation with Sergeant [redacted] when she was advising him that the deputies were now reporting force, Lieutenant [redacted] did not recall any mention of a flashlight strike. According to him, that was reported to him later. Upon hearing the new information that the suspect was possibly handcuffed at the time he was struck with a flashlight, Lieutenant [redacted] directed Sergeant [redacted] again to go back and speak to the deputies. Lieutenant [redacted] said, "I think I directed her to go back and talk to the deputies. And I don't know what the purpose of that was other than to make sure that it was reported and documented as to why."

Lieutenant [redacted] was asked what his "thought process" was at this point, when he sent her back to talk to the deputies, and he answered, "Well again, I realized, you know, I've mentioned that I tried to disassociate myself with her and the deputies at that point in time and I was making notifications. In that same thought process was the same then as it is now, is that I began to make updates as to the progress of this evolving event." When asked if he considered initiating an investigation at this point and stop sending [redacted] back and forth, Lieutenant [redacted] said, "No, I didn't. No, it didn't cross my mind." He added that he was making notifications to his Captain at this time.

When specifically asked why he directed Sergeant [redacted] to speak to Deputy [redacted] about the allegation of striking the suspect while handcuffed, Lieutenant [redacted] said, "Simply, I wanted it documented--of the event."

Regarding his decision not to speak to Deputy [redacted] once [redacted] came to discuss the incident, Lieutenant [redacted] said, "First of all, Sergeant [redacted] had just come in to me and told me and updated me that now they're reporting – the deputy's reporting the use of a flashlight and that, 'The deputy wants to talk to you.' It's just a matter of minutes before he walks in to my door. I'm confronted with some administrative policy violations, once again for people that use force, not reporting, witnesses that may have been there that saw the force, not reporting, and now I have this – I'm confronted with the idea that I have a named deputy that's now used force using an impact weapon on a handcuffed prisoner which could be construed as a criminal violation of the law. With that in mind, when he comes in to see me, based on having worked IA and ICIB, I wanted to give him, and not violate his rights as a citizen, that he has as anyone, and I didn't want to violate his Peace Officer's Bill of Rights, so I asked him and I recommended that he go talk to a representative because I was looking now at a more severe direction with a criminal aspect."

It was then pointed out to Lieutenant [redacted] that he had just sent Sergeant [redacted] to go and talk to Deputy [redacted] to get information. [redacted] was then asked if he was concerned about [redacted] constitutional rights or his Peace Officer's Bill of Rights when he sent Sergeant [redacted] to talk to [redacted] Lieutenant [redacted] answered, "No. I think my idea was to make sure that he was going to

properly document his actions for what he did for the reasons why he did it. I wasn't going in there to – for her to ask him questions to violate that area. I just wanted to make sure that he was aware that he had to document that he used his impact weapon, a flashlight, and the reasons why he used that and to properly document it, not to go in there and ask him questions that may violate either his administrative or criminal rights. It was more of a sense to go back there to make sure that he was going to document it." Lieutenant [redacted] added that regarding his purpose to convey to [redacted] the need to document, "That's what my goal was. And obviously, I didn't articulate that very well."

In regards to this area, Lieutenant [redacted] summed up by saying, "Because the deputy at that point in time, I know who he is. I didn't know what had happened at the beginning. It was unreported. And then when she [[redacted] goes back there to confront them about the marks, they start telling her about the use of force, but there's nothing that says anybody used a flashlight. Then she comes back and says, 'It was Deputy [redacted] that used the flashlight; he wants to talk to you.'Now I've got a named suspect of potential criminal violation for what he did. Now I'll settle this, you know, in a bundle here. After this entire thing was over with, there was that question raised, 'Why didn't you do this at this certain point in time?' And it's simply because I didn't think about it. What I was thinking about was – was protecting the best interest of the Department as well as the employee. And what I learned later is, is that what I could have done is when the deputy came to talk to me and said, 'Time out, if you wish to talk to me, you're going to do it freely and without a representative because you have certain rights provided to you. One of those are administrative rights to have a representative, or if I have to Mirandize you for a potential criminal act,' I didn't think of that until after this thing was all over."

Lieutenant [redacted] was asked if it was ever his or any supervisor's motive to cover up the force used during this incident and he said, "Absolutely not. And to reiterate that once again, had I not taken the action that I took with the Sergeant when I saw the original red flag – we've got several flags here. The original red flag, when I saw the demeanor– the deputies changed during the debriefing, had I not done my responsibility and go talk to – there was no reason for me to go talk to him. Policy says, you know, if you go clearly by the policy, if you use force, you report it to an immediate supervisor. Significant force, the sergeant tells the Watch Commander. The Watch Commander goes talks and interviews the inmate. Watch Commander gets medical attention for the inmate. So had I just listened to what the deputy said originally – you know, what came about from this thing is the use of force is a – was a side issue. I was concerned about the pursuit, the foot pursuit, and deputies telling me that no force was used, until the first red flag went up and they didn't make eye contact with me. And I realized I got a problem here. And I went back and I talked to the inmate. And I looked at him physically. I only saw the two marks. From a guy that was beaten with flashlights and batons and kicked by a deputy's boot, you would think you would see bruising, scuff marks on the shirt, something to indicate that force was used. I saw nothing other than the two, the

potential of possible third mark on his chest being jabbed with what I believed to be a flashlight. And I told the Sergeant, 'We've got a discrepancy here. Go find out why. And I'm going to my office to start making the phone calls.' Because when I saw the marks, I believed there was a policy violation and I was making the calls. And I think that night, I made six phone calls to the Captain as well as to Lieutenant Greg Johnson of IAB, of what we had."

Lieutenant [redacted] was asked if, on the night of the incident, he ever learned the reason that the suspect was struck with a flashlight while handcuffed and he stated, "Not until I read the complaint report, possibly a day or two after. And two days ago, when I was a Subject, I went to look for my notes to recount what had happened and I read the complaint report. 'Did I ever find out the reasons why? You going to ask me about the complaint report?' It's not true. I don't believe that. This is what I believe. The deputy was involved in a collision where his life was nearly taken and he's mad and he's angry. And at the end of that pursuit, I believe the guy initially went to ground. Deputies probably jumped on him. Is that force? Yeah, that's significant force, but they should have reported it. And while they had him handcuffed, they were bringing him out, and now the deputy arrives and he's pissed and he uses the butt end of that flashlight. That's what I believe. That's what I believe today. And that's what I'll believe tomorrow."

At the conclusion of his interview, Lieutenant [redacted] was asked if he had anything to add that he felt was important to the investigation. He answered, "No. I just – I'd just like to go over the sequence again as far as – again, my mind-set, when I learned that the deputy used the flashlight and he wanted to talk to me, I learned of it, and moments later, the deputy came in to me and, again, I believe I had a – minimally, I've got an administrative violation. And when I'm told that a flashlight is used on a handcuffed prisoner and I don't see any other marks other than what I saw of him, the three jabs, I believe that there might have been a criminal act. Having worked ICIB, where you Mirandize suspects when you're going to ask them questions, and I've got the minimum– minimally, the administrative violations, I chose to protect the deputy's rights, the Department's rights from screwing this thing up, and telling him to seek advice from counsel. I gave him thirty minutes to do that. And my notes say that I – we talked at 0345 hours, and at exactly 4:15, he comes back to me and he explains to me that he's tried to call his counsel, that there was this interruption or the desk had hung up on his counsel, but it was right at the time that I told him to be back. So at 4:15, he hadn't quite made contact with his rep. When he comes back to tell me that, because I told him to be back in 30 minutes, to the minute, he's back to me and he explains this to me. I then tell him, 'You got a couple extra minutes; it's not going to kill us now,' basically. 'Go contact your attorney; go call him 'cause he's trying to make efforts to you.' And now he comes back and says he wants to exercise his right and not talk. Okay. What I could have done in retrospect, that I wasn't thinking throughout the entire time of this incident, was I could have sat him down based on my training at IA and ICIB and explained to him, 'If you wish to talk to me, you're doing so freely without a

representative being present.' I didn't think of that. That wasn't an option I had. It's been brought to my attention. I accept that as an option. And I still don't, to this point in day, think I violated anything of policy. So with that I'll end it."

> **IAB Note:** Lieutenant [redacted] provided a copy of his notes from the night of the incident and are included as part of this case as **Exhibit F**.

Refer to Subjects' Interviews Section for the transcription of Lieutenant [redacted] interview.

Case submitted April 6, 2005.

SUBJECTS' TRANSCRIBED INTERVIEWS

SUBJECT INTERVIEW (1st Interview)

IAB CASE NUMBER IV2101944

DEPUTY [redacted] #[redacted]
Pico Rivera Station
Field Operations Region III

Deputy [redacted] was interviewed at the Internal Affairs Bureau on December 9, 2004, at 1608 hours, by Sergeants William Hines and Elier Morejon. Also present during the interview was Helen Schwab from Green and Shinee. The interview was tape recorded and transcribed as follows:

Hines: It's December 9, 2004. The time is 1608 hours. I'm Sergeant Bill Hines. With me is my partner, Sergeant Elier Morejon. We are from the Internal Affairs Bureau. We are currently at the Internal Affairs Bureau in Interview Room B getting ready to interview Deputy [redacted]

[redacted] [redacted] [pronouncing it correctly].

Hines: [redacted] regarding IAB Case IV2101944. And just for the record, [redacted] give us your full name, spell your last name, and give me your employee number, please.

[redacted] [redacted] Employee #[redacted]

Hines: And before we went on the record, you had an opportunity to read over and sign the Subject Admonition Rights Admonishment. Is that correct?

[redacted] Yes.

Hines: And you signed that form. Is that correct?

[redacted] Yes.

Hines: I also need you to initial down here that you will not discuss what we talk to you about in here with anybody else other than your attorney. And you understand that?

[redacted] Yes.

Hines: And once again, do you have any questions at all regarding this form?

[redacted] No.

Hines: Just for purposes of the tape, we'll go around the room and introduce ourselves. I'm Sergeant Bill Hines. My partner?

Morejon: Sergeant Elier Morejon, M-O-R-E-J-O-N.

Hines: And Helen.

Schwab: Helen Schwab, S-C-H-W-A-B, Counsel for ALADS and Counsel for Deputy [redacted]

Hines: What is your current assignment?

[redacted] I'm a field training officer assigned to Pico Rivera Patrol.

Hines: You are a training officer?

[redacted] Yes, sir.

Hines: How long have you had that assignment?

[redacted] About two years now.

Hines: We're here to discuss with you an incident that occurred on October 10th of 2003 where you were -- where you were involved in an incident where force was used. Do you recall that incident?

[redacted] Yes, I do.

Hines: What was your assignment at that time on that night?

[redacted] I was assigned to Patrol. I don't recall exactly what unit I was assigned to... City of Pico Rivera or unincorporated Whittier.

Hines: Did you have a partner that night?

[redacted] No, I did not.

Hines: Was there anybody in your car?

[redacted] Yes. I had an Explorer ride-along.

Hines: All right. Do you recall what time you started your shift?

[redacted] 1500 hours.

Hines: Did you write a report documenting your actions and observations regarding this incident?

[redacted] Yes, I did.

Hines: Have you reviewed that report?

[redacted] Yes, I have.

Hines: Is it a true and accurate account of your actions and observations that -- that evening?

[redacted] Yes, sir.

Hines: Is there anything that needs to be changed or corrected?

[redacted] No.

Hines: All right. Tell us in as much detail as you can the circumstances and events leading up to and including the arrest of Suspect Galaz and the force you used and witnessed during that arrest.

[redacted] Well it was October 10, 2003, and I was on routine patrol. It was about 2250 hours when LASD Aero Unit 21 advised they had a low-jack hit in our area. I had a low-jack vehicle that evening, so I was -- started responding to the area of the low-jack hit to --

Hines: You say you had a low-jack vehicle; that means you have a -- some type of equipment in your patrol car that monitors low jack?

[redacted] Yes. My radio car was equipped with low jack --

Hines: Okay.

[redacted] -- that -- that evening. I responded to the -- the area of the -- where the Aero unit was picking up the low-jack hit and it was described as a 2000 Avalon. I'm not exactly sure of the plate, but if I can refer to my report.

Hines: Sure.

[redacted] The license plate was [redacted] We were checking around for the area. Then I heard Deputy Callahan go on the radio and advise that he was in pursuit of the -- the Avalon. SCC advised we were only allowed to have the three units in the pursuit, so I stayed in the area and monitored in case there was a termination of the pursuit and it went to ground. I was coming off of Passons and I turned eastbound onto Reichling Lane at one point, at which time the stolen vehicle and Suspect Galaz came off of Lemoran Avenue and were coming westbound on Reichling Lane. At that point, I had pulled my vehicle over to the side and I saw Suspect Galaz. He appeared to start slowing down and the door, driver's side door was opening and he looked like he was getting ready to exit the vehicle and flee on foot. I opened my car door and I started stepping out of the vehicle and that's when he looked at me and accelerated the vehicle and drove directly towards my car.

Hines: All right.

[redacted] He had room to pass on the other side of the street. I was able to get back in the car. He hit the door, slammed it and it shut.

Hines: Actually slammed your door shut?

[redacted] Yeah, actually slammed my door shut. I was able to get back into the car before that happened. I advised SCC that Suspect Galaz rammed my vehicle and the pursuit continued. I stayed in the area. I was not involved in the pursuit at that time. I stayed in the area for the same reasons, if it went to ground. A few minutes later, Suspect Galaz TC'd in the vehicle around the area of Pico Vista and Rushmore, I believe. [Pause] Yes, Pico Vista and Rushmore is where the vehicle TC'd.

Hines: Did you -- did you see the suspect crash?

[redacted] No, sir. No.

Hines: Okay.

[redacted] The units advised that he was fleeing the vehicle and they were in foot pursuit. I got to the location and it was on -- there was a house on Rushmore Street, and when I had got there, they had gone down the right side of the house between the houses. And by the time I got there, I had seen Suspect Galaz. He was up -- Deputy Morris had him on the left side and Deputy Callahan had him on the right side, and they were coming out. And at that time, that's when I saw Suspect Galaz, he kind of lunged

forward towards Deputy Morris. It looked like he was going to head-butt him and Deputy Morris leaned back. He let go of the grip. That's when I jabbed him two to three times in the mid-torso section with my flashlight. I had it with me in my right hand.

Hines: Okay.

[redacted] Deputy Callahan grabbed him, pulled him back, and that's when I realized that he'd already been handcuffed when I had hit him. And after that, there was no further incident there. After it was all over, we were asked if there was any force used and I didn't say anything. I think the reason being is 'cause I was probably a little panicked when I realized he was handcuffed. I just had a momentary lapse of bad judgment. We got to the station probably within 20, 30 minutes 'cause I had to go back to the location to get the address of exactly where the 245 on my vehicle... or on me had happened. So when I got back to the station, we sat down and we were asked about it. We were asked if there was anything else that we wanted to say about the incident. Nobody said anything at that time. And it was then just a few minutes later where, you know, I had to make the decision, "Hey, I know what I did. I know I used force." I believe I was justified in using the force and why I didn't immediately report it was not the right thing to do, so I did report it to Sergeant [redacted] that I had used force and what I had to do at that time and we documented the force that we used in our report.

Hines: Okay. Is that it?

[redacted] Yes.

Hines: Okay, all right. Just a couple things. We'll back-up just a little bit. The first time you see the suspect, he's standing. Is that correct?

[redacted] I see him --

Hines: Well, I'm sorry, let me -- let me rephrase that. It was a bad question. The first time when you go -- when you're in a foot pursuit or were you ever involved in the foot pursuit?

[redacted] No. I got there and it was -- had already been terminated.

Hines: So about how far behind them are you, would you say? Once you hear that the guy has crashed, how much time is it until you arrive?

[redacted] Probably within -- it had to be within a minute or so --

Hines: Okay.

[redacted] -- few minutes.

Hines: So the guy has now, by the time you get there, it's -- it's been --it's been approximately a minute, give or take?

[redacted] He's already went down and --

Hines: Okay.

[redacted] -- and away from the car.

Hines: Right. And then you get down there, did you run down there?

[redacted] Well I didn't hear that it had terminated, so I was still running down to the area 'cause I didn't know if he was in custody or not.

Hines: Okay.

[redacted] I didn't know what the situation was.

Hines: So the sequence of events is, is that you hear that the guy crashes and that he's running?

[redacted] Yes.

Hines: You're still in your car?

[redacted] Yes.

Hines: Approximately a minute later, you arrive at the scene where he has crashed?

[redacted] Yes.

Hines: And now I remember out at the scene, he crashes at the corner and he runs down the block, correct?

[redacted] Yes.

Hines: Did you stop your car where he had crashed or did you drive down the block?

[redacted] I had stopped and I wasn't exactly sure where -- what the address was and I had turned the corner and I parked my car there and exited. I don't know how close. I don't recall how close it was to the actual location where he was at --

Hines: Okay.

[redacted] -- at that time.

Hines: But you did stop your car where the suspect had cra -- had stopped?

[redacted] Right. I stopped my car on Rushmore, yes.

Hines: And what's directing you down -- how do you know that they're down between this house at this time?

[redacted] Aero was above and it was other people still going in that direction.

Hines: So you're kind of following --

[redacted] I went and I followed --

Hines: Okay.

[redacted] -- the other deputies that were --

Hines: Who were you following?

[redacted] I don't recall who I was following.

Hines: Your ride-along, did that person remain in the car?

[redacted] Yes, he did.

Hines: Is it fair to say that you were the last person to get down there where the suspect has been detained?

[redacted] That's possible.

Hines: Is there anybody behind you?

[redacted] I don't recall if anybody was behind me or if anybody showed up after me.

Hines: And you don't recall which deputies are in front of you?

[redacted] No, sir.

Hines: Can you still see deputies running down there?

[redacted] Around the corner --

Hines: Yes.

[redacted] -- yes. That's where I knew what houses they were between.

Hines: How many deputies did you see?

[redacted] I saw one to two.

Hines: And then when you -- in your report here, you say that you arrived on the west side of the house. You saw Callahan and Morris with the suspect in between the houses.

[redacted] Yes.

Hines: Is that correct?

[redacted] Yes.

Hines: And you see Morris holding the suspect's left arm?

[redacted] Yes.

Hines: What is Callahan doing?

[redacted] He has him from the right side.

Hines: So -- and are they walking towards you or standing still when you see them?

[redacted] They had -- it looked like they had just stood up and they were about to start coming -- coming out.

Hines: So they're not in any movement coming towards you; they're -- looks like they just picked him up?

[redacted] Yes.

Hines: And they're momentarily just standing there?

[redacted] Yes.

Hines: Okay.

Morejon: And where are they? I'm sorry. Where are they in relationship to this whole thing?

[redacted] You mean as far as --

Hines: Are they in between the two houses?

[redacted] Yes. They were still in between the two houses in the --

Morejon: You want to use this and we can show --

Hines: Sure.

Schwab: Do you have a diagram?

[redacted] No.

Morejon: It's kind of what I remember it to look like. Is that what you remember? This is Rushmore. The -- the vehicle TC is here. And he ends up running between these two houses. This is the house here.

[redacted] Yes.

Hines: And then there's a fence here.

Morejon: There's a fence, right.

Hines: So I guess what my partner is wondering, are they back near this fence? Are they in the middle? Or are they --

[redacted] We're in this area here towards the -- towards the back.

Hines: So they're still down in between these houses?

[redacted] Yes.

Hines: Okay, all right.

Morejon: Where do -- where's your car? Do you drive your car here in front of these houses or where do you park your car?

[redacted] My car was stopped here. As I said, I didn't know exactly where they were -- which direction they were running. And I just know it was on Rushmore. I couldn't tell you exactly where.

Morejon: So you were past -- did you see the suspect's --

[redacted] I saw the vehicle when I had turned the corner, yes.

Morejon: So you saw. So you passed the suspect's vehicle?

[redacted] Yes.

Morejon: And you parked about -- your point about mid-block or so?

[redacted] Yes.

Morejon: Okay.

Hines: Back to this pursuit, is it fair to say that you didn't have really much involvement in the pursuit itself? Is that a fair statement?

[redacted] All -- all I was, was since they were only authorized the three units, I was in the area monitoring for containment in case they went to ground.

Hines: So you never actually observed any part of that pursuit?

[redacted] I mean I would see it -- I mean it was going through the streets. And yeah, I would -- I would see it roll by. I mean --

Hines: But you're never behind any cars --

[redacted] I was not in the actual pursuit itself, no, sir.

Hines: Do you remember the cars that are -- the units that are actually the first, second units?

[redacted] I do not recall – -- who they were, sir.

Hines: So once again, you never see the suspect when he's on the ground here, correct?

[redacted] No, sir.

Hines: Did you ever see any other deputies strike the suspect in any way?

[redacted] No.

Hines: In your report, you wrote, "I reported my for -- my use of force to the EM field sergeant, Sergeant --," [redacted] or [redacted]

[redacted] [redacted]

Hines: [redacted] When did that occur?

[redacted] I reported that at the station.

Hines: And that was a considerable amount of time after this incident. Is that correct?

[redacted] Yes.

Hines: About how long? Your best estimate.

[redacted] Within a half an hour. As I said, I had to go back out to the location where the 245 had occurred to get that exact address and then go back to the station.

Hines: When you were still out at the scene and when [redacted] was there, did you ever see -- do you know Sergeant Bobby Lawrence? He's a GET sergeant.

[redacted] Yes.

Hines: Did you see him out there?

[redacted] I recall seeing him out there, yes.

Hines: Do you recall him ever asking you if any force was used?

[redacted] I don't recall him asking me --

Hines: Okay.

[redacted] -- that question, sir.

Hines: Did you ever see him asking anybody if there was any force used?

[redacted] No, sir.

Hines: You said that immediately after this, when [redacted] is there, you do not tell her that force is used. Is that correct?

[redacted] Yes.

Hines: And you're -- the reason is?

[redacted] It was bad judgment on my part.

Hines: Bad judgment, okay. There was a debriefing, is that correct, about the pursuit?

[redacted] Yes.

Hines: Do you recall [redacted] asking you guys if any force was used during the arrest, during this debriefing?

[redacted] I recall him asking if there was anything else that we wanted to say about the incident.

Hines: Did he ever specifically say, if you can recall, "Did anybody use any force?"

[redacted] I don't recall speci -- what he specifically said, no.

Hines: But you recall it as to be, "Do you have anything else to tell me about this incident?"

[redacted] Is there anything else that anybody wants to tell me about the incident.

Hines: And nothing was said either by you or the other deputies at that time. Is that correct?

[redacted] No.

Hines: And is the reason that you don't say anything at this point the same reason as before? I mean you had a lapse of -- of, you said, judgment earlier. Is this lapse of judgment continuing?

[redacted] Yes.

Hines: Okay.

Schwab: Well he said he was nervous about the fact that when he struck the suspect, he didn't realize initially he was handcuffed.

Hines: Okay.

Schwab: And was worried about that.

Hines: At some point during this briefing, I understand that this debriefing lasted for a few minutes. Do you recall how long it lasted?

[redacted] It wasn't that long. It was real short.

Hines: And during this debriefing, you guys are talking about the pursuit, I understand?

[redacted] Yes.

Hines: At some point after this short debriefing, do you recall that somebody leaves? I mean that Lieutenant [redacted] and [redacted] leave?

[redacted] I know they left when it was concluded.

Hines: Okay. What did you do and the other deputies?

[redacted] You know, we needed to talk to Deputy Callahan 'cause he was the initial deputy handling the report and tell him what we had done and what we were going to put in our Supplemental Reports at that time.

Hines: But are you guys still sitting in the briefing room?

[redacted] No. We had walked. We had got up and we had walked outside.

Hines: At some point -- well when you get up and you walk outside, let me ask you this. What did you guys discuss at that point?

[redacted] We were just discussing the pursuit and how it was going to be handled on the report with Deputy Callahan.

Hines: Well, just so I'm clear, you haven't -- you haven't told anybody at this point that you've struck the suspect with your flashlight. Is that correct?

[redacted] Well I -- I talked to Deputy Callahan because I had to report it. And that's where, you know, I had told him, "Look, I need to report what I did," and I didn't initially make that --

Hines: Okay. I under --

[redacted] -- report to the Sergeant.

Hines: I understand that. But I just need to be clear on what event -- how this occurred. So [redacted] comes out; you haven't said anything. We know that -- that Callahan and -- and Morris -- well, do you know if they saw you strike the suspect with your flashlight?

[redacted] Yes.

Hines: So you get back to the station -- I guess what I'm wanting to know, when is the first time that you guys decide that -- or you decide that you need to report your force? Is it after that initial pursuit debriefing when the Lieutenant and Sergeant [redacted] walk out of the briefing room and they're gone for a while?

[redacted] That's when I -- when I talked to Dan and Eric. I told them that I --

Hines: You need to use last names for me.

[redacted] Oh, I'm sorry. Deputy Callahan and Deputy Morris.

Hines: So you're still in the briefing room when this --

[redacted] No. We were -- we were walking out towards the parking lot 'cause everybody was getting their -- their stuff together 'cause we were -- we were going to start writing.

Hines: Let me ask you this. At this point, do you know -- well let me even back it up. When you're still out in the field, do you know that anybody's used any force at that point other than you?

[redacted] I know I used force.

Hines: And that is it?

[redacted] That's it.

Hines: No one has said anything to you about any jabs or punches or strikes?

[redacted] Nobody said anything to me.

Hines: So now you're -- we're at the briefing room. You're debriefing the pursuit. [redacted] and [redacted] leave. You guys go out into the parking lot and you're discussing not only the pursuit, but the fact that you have to report force?

[redacted] Yes.

Hines: Okay. Is the next thing that happens, correct me if I'm wrong, does Sergeant [redacted] come to you with some new information?

[redacted] Yes. She contacts me in the hallway.

Hines: And what does she say?

[redacted] She tells me that Suspect Galaz had some -- some marks on him and he was making some allegations about getting struck with a flashlight in the head and some other allegations about being hit.

Hines: Okay. Now this is an important question. Draw back into your -- your memory bank here. At that point, do you tell her that you've used force?

[redacted] I let her know that I may have struck him with my flashlight while he was handcuffed.

Hines: You -- that you may have?

[redacted] Yes.

Hines: But you knew that you had?

[redacted] Yes.

Hines: Do you recall what else she told you about what the suspect was alleging?

[redacted] I --

Hines: If you recall.

[redacted] I don't recall what else she was alleging, just that he had been struck in the head and -- and hit.

Hines: Did you ever -- do your recall [redacted] -- [redacted] I'm sorry, Sergeant [redacted] ever coming back into the briefing room before you guys leave and telling you guys that -- that she had seen two semi-circle red marks on the suspect's chest and they appear to be caused by a flashlight jab? And she also said that the Lieutenant had given her direction to -- to talk to you guys again? And that also -- I know this is a long question, bear with me, that the suspect had alleged that he'd been punched and kicked? And did you hear her say anything to the effect, "You need to think about whatever you need to tell me and come back to me?"

[redacted] I don't recall -- I mean I know --

Hines: I know that's a lot I threw out at you, but the point I'm trying to get is that [redacted] says, is what happened, you can -- from what you remember, you guys are in the debriefing -- you're doing the debriefing. You -- they leave. You guys are still there. She says she's gone and the Lieutenant are gone for about 15 minutes talking to the suspect. She comes back and you guys are still sitting in the briefing room. And she says to you guys, "Okay, the suspect has said this; he's alleged this and he's alleged this. You guys need to think about what you need to tell me and get back with me." Did that occur? Do you remember that?

[redacted] She may have. I know we were still in the briefing room. We contacted her in the briefing room and outside. I can't exactly tell you, yes, that occurred at that moment. But I know we spoke to her -- I spoke to her several times.

Hines: Well I know you spoke to her, but what's going to be important in this whole case is the sequence of -- of when you spoke to her, okay. And I'm telling you what she has told me that it occurred and then I need to see if that refreshes your memory. So ...

Schwab: But what -- is she saying that she came back in the briefing room, that the deputies were still there. She said, "You need to think about this. This is -- these are the marks that we think -- we've observed on the suspect," and then she says, "Think

about this," and then she leaves?

Hines: Yes.

Morejon: Yes.

Schwab: Okay.

Hines: Yes.

Schwab: And so your question to him is what does he recall --

Hines: My question to him -- my question to -- to [redacted] is does he recall that; does he recall still sitting there after the debriefing and before you go outside, does Sergeant [redacted] come in and in -- and in essence, give you guys another opportunity to say that you used force?

[redacted] Yes. She was in the briefing room and she came back in --

Hines: Okay.

[redacted] -- and talked to us.

Hines: All right. So then did you guys say -- you basically tell her "okay" and then you walked out of the briefing room just, "We need time to think about" or "We need time"?

[redacted] I don't recall what happened after that. Then I remember I did speak to her outside.

Hines: Okay. We'll -- we'll get to that; we'll get to that. So -- all right. So it's falling into place. She comes back. You guys are still sitting there. And then she leaves again. And then you got -- now do you guys at this point, this is when you go out to the parking lot.

[redacted] That's probably the time we went out to the parking lot.

Hines: Okay, 'cause she says you guys disappear for about 35 minutes. Is that fair?

[redacted] I don't know how long it was, but I know we -- we left after – she came back and talked to us a second time.

Hines: All right.

Morejon: And "we" as meaning who? You named the people that were outside.

[redacted] Deputy Callahan, Deputy Morris, Deputy Perez, and Deputy Canfield, and myself.

Hines: Okay. Callahan, you, Perez, Morris, and Canfield?

[redacted] Yes.

Hines: Now do you -- this meeting -- now do you ever talk to her in the briefing room and that's where you tell her that -- about the force that you used? Are you thinking that if you recall it, it's only outside or in the hall?

[redacted] I may have mentioned the -- the force in the briefing room, but as I said, I remember, you know, more of the conversation when I told her what had occurred. We were outside.

Hines: And are you by yourself?

[redacted] Yes.

Hines: So you're talking to her on your own?

[redacted] Yes.

Hines: Do you know where the other deputies are?

[redacted] Everybody was probably either starting to write or getting ready to write.

Hines: Do you remember what exact -- do you remember what you told Sergeant [redacted] -- when you first told her that you had used force, what did you tell her?

[redacted] I don't know my exact words, but I know it had been to the effect that I did hit him with my flashlight --

Hines: Okay.

[redacted] -- and I didn't realize that he was handcuffed, and I panicked.

Hines: Did you tell her that you panicked?

[redacted] I don't recall if I told her I panicked or not.

Hines: Do you recall if the first time you talked to her that you told her that you thought the guy was -- was handcuffed?

[redacted] I had told her that, yes.

Hines: I will tell you how Sergeant [redacted] remembers -- recalls this whole incident, okay. Everything is the same so far. She goes out to the scene, no force is reported. You get to the station, there's a debriefing. No force is reported. [redacted] and I guess there's another sergeant there, but she was the watch sergeant, but she didn't stay for very long, right? Do you remember, Gro --

[redacted] Grote, Sergeant Grote?

Hines: Grote? Okay. She's -- do you recall her being in that pursuit debriefing?

[redacted] No.

Hines: Okay. But anyway, [redacted] and [redacted] leave and they're gone for about 15 minutes and [redacted] comes back, says you're still in the briefing room. And I think we agree so far to this. And then she tells you guys that you need to think about whatever you need to tell her, something to that effect. And then you guys leave. Thirty-five minutes later, she says that you guys meet back up again in the briefing room and she says that she asked everybody what happened during the arrest, and that's when you tell her that you -- that you had jabbed the guy with a flashlight. You said something to the effect, "Those marks are probably from me because I jabbed the guy with a flashlight."

[redacted] Okay.

Hines: And she said she could not remember if she specifically asked you at the time why you did this, but she recalls that you did. Then she says that she tells all you guys that she wants complete details of everybody's use of force. And then that's when she put stuff down in her notebook. Do you recall that?

[redacted] I don't recall her writing down notes, but I --

Hines: Now she says at some point since they -- this -- this is what she recalls you telling her. And is this on here, Helen?

Schwab: Well --

Hines: "At some point, since they could not get control of Mr. Galaz's hands and arms, Deputy... [redacted] jabbed Mr. Galaz with his flashlight and the other deputies punched Galaz in the ribs in an effort to get Galaz's hands controlled."

Schwab: She's saying Deputy [redacted] told her that or that that's what she --

Hines: Well, I think -- now that I'm reading this, I think that that was just her summary of what --

Schwab: Right, of everyone's --

Hines: -- deputies collectively told her.

Schwab: Right. That's what it sounds like.

Hines: The way Sergeant [redacted]... events with her... is that the second time that she talks to you, you still haven't said anything about the guy being handcuffed. Is that true?

[redacted] Yes.

Hines: Okay. She then says she comes and sees you. Now -- now she's contacted you basically a third time. And this is when she says she located you in the hallway and you told -- and you told her that you needed to talk to her. I put on here "him"; I made a mistake. And then that's when you ask her if they could step outside. They both walked out the back door of the station and that's -- it says you thought about it for a moment. He says, "Yeah, I could have after he was handcuffed." Is that what you remember?

[redacted] I remember talking to her about the situation, yes, you know, once I realized he was handcuffed and knowing what -- that I had hit him, yes.

Hines: All right. Sergeant Morejon.

Morejon: At what point do you realize that the suspect is handcuffed?

[redacted] After I strike him and, you know, when Deputy Callahan pulls him back, I see that he's handcuffed.

Morejon: When you guys went outside to talk about -- when [redacted] told you guys to go out,

you know, "You guys need to get together and come and tell me what happened," did the other -- did you guys ever talk about the other force that was used by the other deputies outside?

[redacted] No.

Morejon: So you had no idea at any point during this whole thing that other deputies used any force?

[redacted] I --

Schwab: You say "any point," I mean at some point --

Morejon: Okay. At some point, did you realize the deputies used force, that the other deputies used some type of force?

[redacted] Yes, when we were discussing, you know, what I'm going to report, what Eric is -- excuse me, what Deputy Callahan is going to report, and Deputy Morris...

[SOUND OF TAPE CHANGING]

Schwab: Sorry. Okay. This is Side 2 of my tape on December 9th of 2004 with Deputy [redacted] out of Pico Rivera Station.

Morejon: We were talking about when you're outside, what force besides yours is talked about?

[redacted] The force that was -- was used to -- when Suspect Galaz was taken into custody.

Morejon: Did anybody talk out there about the reasons that those deputies didn't report their force?

[redacted] No. I don't know why they didn't.

Morejon: Did you ask?

[redacted] I didn't ask.

Morejon: Besides striking the suspect with -- one might ask, besides striking the suspect with your flashlight at the point that you did, did you have any other options, OC spray, take-down, anything?

[redacted] It happened so fast, I -- that was my initial reaction because he was coming forward. As I said, Deputy Morris let go of his left side and I thought, one, when he -- he lunged forward, I thought he was going to strike Deputy Morris in the head with his head. And then two, I thought he might have been attempting to take off again. So that was just my initial reaction, just to hit him, jab him two to three times in the mid-torso section. And that's when Deputy Callahan pulled him back.

Morejon: Did you hit the suspect with your flashlight because he ran from you guys?

[redacted] No.

Morejon: Did you hit the suspect with your flashlight because he rammed your radio car?

[redacted] No.

Morejon: Did you ever say anything to the suspect, something to the effect of, "This is what you get for running from us"?

[redacted] No.

Hines: That night, you tried to speak to Lieutenant [redacted] about this. Is that correct?

[redacted] Yes.

Hines: And you were going to talk to him?

[redacted] Yes.

Hines: And what were you going to tell him?

[redacted] Exactly what we had talked about right now.

Hines: Anything else?

[No audible response.]

Hines: That's all the questions that we have for you, [redacted] Is there anything that we haven't asked you that you feel is important for us to know in this investigation?

[redacted] No, other than the fact that, you know, given the same situation again, I would do the right thing and immediately report any force to my supervisor.

Hines: You are familiar with the use-of-force reporting policy?

[redacted] Yes.

Hines: And you understand your obligation as it relates to that policy?

[redacted] Yes.

Hines: And you feel the force that you used that night with the suspect was reasonable and necessary?

[redacted] Yes.

Hines: Did you ever fear that the suspect was going to attack you?

[redacted] I -- you know, I figured he may. He was coming at me. If he got away, I was next in line, so yes.

Hines: All right. Once again, that's all the questions that we have. Helen.

Schwab: That's all I have.

Hines: Okay. With that, we'll go off the record. It is 1644 hours.

SUBJECT INTERVIEW (1st Interview)

IAB CASE NUMBER IV2101944

DEPUTY ERIC CALLAHAN #[redacted]
Pico Rivera Station
Field Operations Region III

Deputy Eric Callahan was interviewed at the Internal Affairs Bureau on December 9, 2004, at 1711 hours, by Sergeants William Hines and Elier Morejon. Also present during the interview was Helen Schwab from Green and Shinee. The interview was tape recorded and transcribed as follows:

Hines: Today's date is December the 9th, 2004. The time now is 1711 hours. I'm Sergeant Bill Hines. With me is my partner, Sergeant Elier Morejon. We are from the Internal Affairs Bureau currently at the Internal Affairs Bureau in Interview Room B. We are conducting an investigation under IAB File #IV2101944. We're about to interview Deputy Callahan regarding this investigation. Deputy Callahan, for the record, give us your full name, spell your last name, and then also give me your employee number, please.

Callahan: Eric Glen Callahan, C-A-L-L-A-H-A-N, [redacted]

Hines: And before we went on the record, did you have an opportunity to read over and sign the Subject Administrative Rights Admonition?

Callahan: Yes, I did.

Hines: And did you have any questions regarding that form?

Callahan: No, I do not.

Hines: And also, just want to remind you on the record that you've been instructed not to discuss any part of this interview with anyone else after you leave here today other than your attorney. Do you understand that?

Callahan: Yes, I do.

Hines: And also just for purposes of the tape, we'll go around the room and introduce ourselves. Again, I'm Sergeant Hines.

Morejon: Sergeant Elier Morejon.

Schwab: Helen Schwab, S-C-H-W-A-B.

Hines: And you're with?

Schwab: Oh, Counsel for ALADS and Counsel for Deputy Callahan.

Hines: Deputy Callahan, what is your current assignment?

Callahan: Patrol, Pico Rivera Sheriff's Station.

Hines: And how long have you been there?

Callahan: Four years.

Hines: And I take it you worked there on October 10, 2003?

Callahan: Yes.

Hines: Do you recall an incident there on that date where you used force, you along with other deputies? Do you recall that incident?

Callahan: Yes, I do.

Hines: Do you recall what your assignment was that night?

Callahan: My unit of assignment or --

Hines: Yes.

Callahan: I was -- I believe I was 151 King assigned to Patrol.

Hines: Is 151 King, is that a one-person car or two-person?

Callahan: One.

Hines: So you did not have a partner that night. What time did you -- do you recall what time you started your shift?

Callahan: Three o'clock.

Hines: Okay.

Callahan: Fifteen hundred.

Hines: That incident that occurred that night, did you write a report documenting your actions and observations?

Callahan: Yes, I did.

Hines: And you have reviewed that report, have you not?

Callahan: I have.

Hines: Is it a true and accurate account of your actions and observations?

Callahan: To the best of my recollection.

Hines: Anything you need to change or correct at this time?

Callahan: No.

Hines: Tell us in as much detail as you can the circumstances and events leading up to and including the arrest of Galaz that night. And I'm not as much concerned about the pursuit as far as the details of that. I'm mostly just looking at the force. The way I understand it, and correct me if I'm wrong, this was a -- you got a low-jack hit?

Callahan: Aero did.

Hines: And the Watch Commander, you -- this was put out over your dispatch on the radio?

Callahan: Correct.

Hines: Watch Commander didn't 10-22 it or didn't cancel it?

Callahan: During the pursuit, no.

Hines: At some point, did he cancel it?

Callahan: No.

Hines: And at some point, did this go from just a stolen vehicle to something else?

Callahan: Correct.

Hines: What was that?

Callahan: Assault, ADW on a peace officer.

Hines: So I take it at some point, why don't you take it from -- how many units were in the pursuit?

Callahan: I'm not exactly sure.

Hines: Okay.

Callahan: We had --

Hines: Are you the first per -- unit behind the -- the suspect?

Callahan: Yes.

Hines: How many units do you see behind you?

Callahan: At the initial start of the pursuit, there was one.

Hines: Okay.

Callahan: At the conclusion of the pursuit, unknown.

Hines: Okay.

Callahan: There was quite a few. There was PM units; there was early-morning units; there were reserve units.

Hines: Well you mean right at the termination of the pursuit or do you mean after this event is over with?

Callahan: At the end of the pursuit, that's when I noticed how many people had actually partaked in blocking off streets and -- and such. That was when I was finally able to see how many people were actually out. It was at a time when shifts were overlapping and we had a lot of reserve units out there. I believe there were even station detectives that rolled out. I'm not sure about that. So there were quite a few cars out there.

Hines: Well you need to make it clear, though, is this prior -- is this at the termination of the pursuit or at the termination of the incident after this guy has been handcuffed and brought back to --

Callahan: At the end, at the termination of the pursuit, that's when I noticed the other cars that were out there that -- that were actually in the pursuit and ones that were in the surrounding area who were not actively involved in it.

Hines: Let's go off the record for a minute. It's 1715 hours.

[OFF RECORD]

Hines: It's 1717 hours. We're back on the record. Okay. Just so we're clear, Deputy Callahan, at the end of the pursuit when the suspect crashes his car and you go into a foot pursuit, is that correct?

Callahan: Correct.

Hines: Is it at this time that you see all these cars?

Callahan: No.

Hines: So just we're clear, you don't see all of these assisting units until after the suspect is already taken into custody. Is that correct?

Callahan: That is correct.

Hines: Go ahead and tell me what happens from the time you see the car crash, what happens? I want to know who's in the foot pursuit with you, you know, how long the foot pursuit is, the distance, and everything that happens after that.

Callahan: When the suspect vehicle crashed, I exited the driver's door and ran to the suspect driver's door as I was noticing he was getting out, assuming that he's going to attempt to flee, and he does. He runs from the driver's side of the car into the street and runs westbound Rushmore, at which time I come around the suspect vehicle into the street and notice that Deputy Morris is already ahead of me in this pursuit. Whether he was just -- could run faster than me, which is probably the case, but he was ahead of me in the pursuit, and I basically followed Deputy Morris and the suspect, I'm going to say about four, maybe five houses westbound onto the north side of the street where the suspect ran across the front yard. I don't recall the address, [redacted] He ran across the front yard, across the driveway, under a carport,

onto the side of -- to the west side of the house, and was trying to make his way towards the back of the house.

Hines: Let me stop you just for a second. So do you see any other deputies running at this point?

Callahan: No, I do not.

Hines: So it's Morris and you're a little bit behind Morris how far?

Callahan: I am behind him approximately 15 yards, 15, maybe -- yeah, about 10, 15 yards behind him.

Hines: That much? Okay, all right. Go ahead.

Callahan: As I come around the corner, I see Deputy Morris pull -- I hear a loud bang. I don't know what it was, but I hear or I see Deputy Morris trying to pull him from -- pull him -- basically pull him from the fence. The fence did not give. He tried to run into the fence and knock it over, but that did not happen.

Hines: But you didn't see that?

Callahan: Did not see that.

Hines: Okay.

Callahan: So I see Deputy Morris pull him from the fence and -- can I refresh --

Hines: Sure, of course.

Schwab: You can refer to your reports, no problem.

Callahan: [Pause]

Hines: In here, you say that Morris is actually running beside you.

Callahan: That was -- that was -- he was not running beside me. He was -- that's -- that's my mistake. He was ahead of me.

Hines: All right.

Callahan: And when I came around the corner, yes, he did -- I -- I heard him hit the fence at the same time Deputy Morris was pulling him from the fence.

Hines: Okay.

Callahan: Okay.

Hines: So you -- in here also then where you say, "I observed the suspect fall directly into the fence head first, then fall to the ground," that's not correct?

Callahan: I'm trying to recall, sir.

Hines: Okay.

Schwab: That's all right. Take your time.

Callahan: It's been quite some time.

Schwab: You can review your report.

Callahan: According to my report, I observed him fall into the fence as he was basically trying to get up and over the fence at the exact time he was being pulled from that spot toward -- by Deputy Morris.

Hines: All right.

Callahan: That's the best way that I can describe it.

Hines: You probably should review this report in a little bit more detail.

Schwab: Well let's go off tape for a few moments --

Hines: All right.

Schwab: -- and we'll give him a chance to do that.

Hines: I forgot... we are going of the record, it's 1722 hours.

[OFF RECORD]

Hines: Okay, we're back on the record. It's 1725 hours. Deputy Callahan, have you

reviewed your report now?

Callahan: Yes, sir.

Hines: Just continue then with your -- you're in the -- you're in a foot pursuit and Deputy Morris is -- is slightly ahead of you about 15 yards you said. Is that correct?

Callahan: That is correct.

Hines: Which is different than what you have on the report, minor detail. Go ahead.

Callahan: Okay. As the suspect ran along the -- the west side of the residence, he came to a fence that appeared to be locked and he tried -- he ran into the fence in what I believe was an attempt to knock the fence over and get into the backyard. The fence stood steady; it did not give. He tried to go up and over the fence and then realized, possibly due to his weight, that he was not going to be able to get up and over it, so he turned around.

Hines: And just so I'm clear, you're seeing him do this?

Callahan: At this point, I am.

Hines: Okay.

Callahan: Yes, I'm around the corner now. I'm still -- I'm approximately about 20 -- about 20 feet away as I'm running up -- as I'm seeing this happen.

Hines: Okay.

Callahan: At this point, Dan -- Deputy Morris is yelling at him to "Get on the ground, get on the ground." I'm yelling it, too, to the best that I could after having ran, at which time the guy turned around and takes that fighting stance.

Hines: Okay.

Callahan: At that point, I believe the -- I observed the suspect lunge towards Deputy Morris in what looked like his attempt at hitting him or striking him, as I wrote. Do you want me to say what I observed Deputy Morris do or my actions?

Hines: Yeah. I want you to tell me everything that you recall regarding that incident, all the details, and if you need to refer to your report --

Callahan: I'm going to have to almost read from this, if that's okay.

Hines: As you sit here today, do you not recall anything about this incident?

Callahan: I do recall the incident. Into the detail that you -- that you wish and that you need, not exactly.

Hines: Well think of me just as a Watch Commander so you know we're here and you're running the arrest by me.

Callahan: Okay, well I wouldn't be running it by you 14 months later.

Hines: [Laughing] That's true.

Callahan: Shall I continue?

Hines: Sure.

Callahan: Okay. Back to my question, may I read from this or do you --

Hines: I rather you not read. If you can refer to it, just -- but just from what you remember. If you want to just read it to refresh your memory and then tell me what -- does reading that refresh your memory?

Callahan: This part of -- this part of it right here, slightly.

Hines: Well we can go off the record again.

Schwab: No, that's okay. Just stop talking to him while he's reading and then he'll answer your question. Give him a chance to review it.

[PAUSE]

Hines: Well I'll tell you what, let's do this; let's go off the record again. It's 1729 hours.

[OFF RECORD]

Hines: Okay, we're back on the record after a short break. It's 1738 hours. All right. Deputy Callahan, go ahead and continue. You don't have to back up, but as you -- as you come around the house --

Callahan: Correct.

Hines: -- and you -- and -- and Morris is ahead of you --

Callahan: Correct.

Hines: -- just start with the first thing you see at that point.

Callahan: Okay. I see the suspect attempting to get over the fence.

Hines: Okay.

Callahan: Attempting to get over the fence. I see that he's unable to do so, okay. He was attempting to get over the fence by pulling himself up and -- up and over, but because of the proximity where Deputy Morris was to him and the fence not giving way, he was unable to.

Hines: Okay.

Callahan: At which time the guy turned around, took -- took this fighting stance with us, or with Deputy Morris who was immediately there. I was some short distance away from him. As I -- as I'm drawing closer to him, I see the suspect, lunge is the only word I can use, in an attempt to like strike Deputy Morris. Deputy Morris was able to grab his arm. He was able to grab his arm, his left arm, 'cause he was now on his left side. I was on his right side as the -- it's a very confined space between the block wall and this house. I'm unsure of the exact foot distance, but it's probably five -- five feet, maybe six feet wide, and the suspect is large; Dan's not, but with the three of us, it was -- it was a confined area. So I'm -- I'm moving myself around so that I can attempt to gain control of this guy and myself not get hit in the meantime, at which time I was able to grab his arm, and with both of us, we were able to take him down to the ground. And after -- let's see, I put my knee on the center of his -- on the center of his shoulder blades to gain control. Okay. The guy was big. He was about 240 pounds. He was big. And I remember him trying to get up off the ground while he was still struggling. Okay. During the whole time, he was given verbal commands. He was told to stop resisting. He was told to stop fighting, which he didn't.

Hines: What was he doing when he's on the ground? What was his -- he was fighting?

Callahan: Not necessarily fighting, but he was being resistive. He wasn't -- he was being ordered to put his hands behind his back and he was not. He was -- he was taken

down to the ground and he was trying to get up now. Whether it was to be in an attempt to fight us or an attempt to flee, I don't know. But he was getting up off the ground in which we were adamant about keeping him on the ground because of his size.

Hines: Just so I'm clear, you come around the corner. He's trying to get off -- he's trying to go over the wall, but he can't get over the fence. He can't. Now you said earlier that you thought that Morris pulled him off the fence, but that's -- [unclear]?

Callahan: It was -- it was a very fluid motion how it happened, how he -- the guy hit the fence and tried to get up over and then he was grabbed and let go and the guy turned around. Once it was realized that he wasn't going to be cooperative, the guy now had a position where it's fight or flight. He knew he wasn't going to be able to get over, so he took a position --

Hines: So he takes a combative stance and Morris is -- is closer to him than you are?

Callahan: Yes.

Hines: Okay. What's the distance now between the suspect and Morris when the suspect takes his combative stance?

Callahan: I would say a few feet.

Hines: And then what's your distance behind Morris?

Callahan: I'm going to say probably about -- this is an approximate, probably 10 feet.

Hines: Ten feet?

Callahan: While I'm closing -- closing in.

Hines: And you're still going towards --

Callahan: I'm still running to him.

Hines: All right. So -- and does the suspect, in his combative stance, does he ever take a swing at Morris?

Callahan: I don't believe that I saw him take a swing, but I saw his body movement lunge forward toward him. I boxed for -- for a while and I know body movement. I don't

recall if I saw him actually take a swing, but I saw his body movement go towards him --

Hines: Okay.

Callahan: -- in which I believe that's a -- that's an attempt to strike him. His body is dictating his next course of action.

Hines: So Morris gets on his left side and takes a hold of his left arm.

Callahan: Takes the left arm.

Hines: And then you move to his right side?

Callahan: Correct.

Hines: And then -- then are you able to get him down onto the ground?

Callahan: The both of us are.

Hines: Okay. At this point, do you see Deputy Perez? At this point – (pause) From what you recall, you -- you're standing there; you're on one side, Morris is on the other. You take him down to the ground. When is the first point that you see or recall Deputy Perez?

Callahan: It would have been --

Hines: Were you still standing or were you on the ground?

Callahan: No, he was -- he was on the ground.

Hines: Okay.

Callahan: Deputy Perez was Deputy Morris's partner, so they were coming out of the same vehicle.

Hines: Okay.

Callahan: Like I said, Deputy Morris was just a little bit faster on -- on the run.

Hines: We'll get back to more of this, but I -- I'm just going to tell you right now what the --

what the suspect said that happened. He said he ran and he tried to jump the fence. He says he couldn't get over the fence. So he turned around and he saw the two of you running towards him, okay. He says at that point, he went down on his knees and he put -- and laid down on the ground and he put his hands behind his head while interlacing his fingers. Did you ever see him do that on his own?

Callahan: No, sir.

Hines: You did not, okay. His feet were straight behind him, and he said he did this because he felt it would be better just to lay down on the ground. You never saw him lay down on the ground on his own?

Callahan: On his own, no.

Hines: Okay, all right. You got him on the ground, now what happens?

Callahan: Like I said --

Hines: You position your right knee over the center of his shoulder blades.

Callahan: In an attempt to keep him on the ground 'cause he's trying to get up off the ground.

Hines: How's he doing that?

Callahan: His arms are out and he's --

Hines: He's in a -- trying to do a pushup?

Callahan: No, because his arms -- we had a hold of his arms. He was utilizing his knees and, I don't know the correct verbiage, he was -- he was -- his elbows possibly, okay, he was trying to raise up off the ground in order to stand back on his feet.

Hines: So the struggling is, is that he's trying to get up on his feet?

Callahan: That is correct.

Hines: Any time on the ground did he ever swing at you?

Callahan: On the ground, no, sir.

Hines: Okay. Did he ever swing at any deputies?

Callahan: Not that I recall, no.

Hines: How about kick?

Callahan: Whether it might be intentional or unintentional, I -- I don't recall anything.

Hines: I mean do you recall that you -- you put your leg on his back or shoulder blade area to hold him down, do you remember looking back and see him flailing his legs or trying to kick anybody or --

Callahan: No, I do not recall.

Hines: So where -- you say his elbows are on the ground. Now where -- where are his hands and where are your hands and what are you trying to do?

Callahan: I'm trying to get his arms behind him in a position for handcuffing.

Hines: Both arms or just the right arm?

Callahan: The only arm I have. It was -- I was trying to get his right arm behind him.

Hines: So you're concentrated on his right arm?

Callahan: Correct.

Hines: Big guy on the ground, 240 pounds, and you're working on getting his right arm back?

Callahan: Correct.

Hines: Okay. And you're doing that by holding it where or grabbing it where? Is it the wrist? Is it the bicep? Is it the elbow?

Callahan: Could I -- could go back to this?

Hines: Sure, sure.

Callahan: [Pause] I did not state in there how.

Hines: Okay.

Callahan: I can -- after hand... arresting people, numerous arrests, I would believe that I was trying to grab somewhere around his wrist or forearm area and probably the other hand on top of his shoulder trying to gain some type of leverage on him.

Hines: And you're tell -- and you're telling him to -- you give him verbal commands. What are you saying to him?

Callahan: "Stop resisting; put your hands behind your back."

Hines: Now you say in here you didn't pepper-spray him and you felt you were losing control. What did -- what did you feel -- explain that to us.

Callahan: I felt we were losing control because whether it was his adrenaline, his size, or all the above, or there were some other mitigating factors possibly under the influence of narcotics, I felt his strength that he had and I felt him getting up off the ground. I -- I felt that... yeah, we were losing control of that situation for a brief second because I could feel -- I could feel his body strength and he was starting to get up off the ground in -- in regards to the pepper spray...

Hines: That's okay. I understand that you felt you were going to contaminate everybody there. That's -- that's clear. That makes sense to me 'cause that stuff usually ends up on everybody but the suspect.

Callahan: Or just ends up working on the deputies and not the suspect.

Hines: Yeah. So at some point here, you punch the suspect in the right side torso area several times with your right fist?

Callahan: Correct.

Hines: Okay.

Callahan: And that was done to get him to free up -- to -- after continuous verbal commands, that was done to get him to free up that arm, let him know, "Give up the arm, stop resisting."

Hines: Okay. And -- and you're still on his right side?

Callahan: Correct.

Hines: And you're punching him with your right hand?

Callahan: Right hand.

Hines: Okay. And is it -- is it a fair statement you're punching him on the side then?

Callahan: That is correct.

Hines: And is his elbow like down -- does he still got his elbow like tucked underneath him?

Callahan: No. I believe his -- I believe at that point, his elbow was up. That's why this was the area that I was able to hit.

Hines: Did you -- earlier when you tried to grab his hand in the wrist area, do you let go of that or do you continue to hold onto that with one of your hands while you're punching him?

Callahan: My left -- my left hand -- I think I probably positioned my left hand back towards his back, I believe. I don't -- I didn't indicate it here, but I know I gave up my right hand 'cause I had to strike him at one point, which his right arm stayed forward. I was able to strike him in -- in the rib area. I probably positioned my left hand back towards -- probably towards the small of his back so that I wouldn't fall over.

Hines: So it's fair to say then that you let go of his right arm in some point in order to punch him?

Callahan: Correct.

Hines: And the specific reason that you punched him was because?

Callahan: Non-compliance.

Hines: Okay. Now you say, "I observed Deputy Perez strike the suspect several times." Tell -- tell me when you recall Deputy Perez arriving at the scene because you kind of -- it's almost like all of a sudden, here Perez jumps into the picture.

Callahan: I understand. It was immediately after having struck the suspect that I looked up and I could hear footsteps and I saw that help was on the way. That's when I noticed that Dan, Deputy Perez, was there already on the left side.

Hines: The footsteps that you heard were not Perez's footsteps?

Callahan: No. He was already there, but I had struck the suspect and I had looked up 'cause I

had heard other deputies, "You guys all right?" I could hear them coming down the side. As I looked up, I looked back and I saw Deputy Perez had maneuvered himself around Deputy Morris already and he was now telling the guy to give up his hands, which he wasn't.

Hines: When you -- let me back up a second. When you struck the suspect on the right side, then he gave up his arm?

Callahan: I believe so, yes.

Hines: Okay. Well refer to your report, "I was able to -- to gain control of the suspect's right arm." Okay, so now you're holding on to his right arm?

Callahan: Behind his back.

Hines: You got it like in a control hold?

Callahan: Positioned for handcuffing.

Hines: And at this point, you don't even know that Perez is there?

Callahan: The minute his arm got behind his back, I did not know that Perez was there until I looked up.

Hines: And -- and that's where you see Perez, on his left side and -- and you see Perez striking the suspect on the left side. Do you know what he's striking him with? His left hand? Right hand?

Callahan: I don't recall which hand it was, but I do know that he was striking him -- I believe it was the same area that I had hit on the opposite side, the rib area, mid-torso.

Hines: Do you know where Morris is at this point?

Callahan: I believe Deputy Morris was still holding on to his arm 'cause he -- I don't think that he had gained control of his arm and gotten his arm back yet.

Hines: I guess I'm confused about the configuration here. Is Perez kind of facing --

Callahan: Towards me?

Hines: Yeah. His head --

Schwab: Let him finish.

Hines: Is he at the head? I guess I got a picture that you're on the right side and Morris is on the left side. You're both working on his arms, but Perez is then at the head facing the feet. Is that --

Callahan: No.

Hines: Okay. How was he?

Callahan: Deputy Perez is directly to Deputy Morris's right side. So he was at the lower torso area of the suspect.

Hines: So he's on the right of Deputy Morris

Callahan: Correct.

Hines: Okay. Well go on then. What happened then?

Callahan: Okay. After Deputy Perez had struck the suspect, he was able to -- they -- they were able to gain control of his left arm and his left arm was put behind his back, at which time I look up and Deputy Canfield was -- is also there now. And it's kind of like, you know, 500 sets of hands trying to put one pair of handcuffs on him.

Hines: Is Canfield standing up?

Callahan: I think he's probably maybe like in a slouched-over position getting ready to help kneel down.

Hines: All right. So is what you're saying then, when Perez struck the suspect in the side, then him and Morris were able to get the left arm out? The guy gave up his left arm?

Callahan: Correct.

Hines: Now you've got one hand; they've got the other, and Canfield puts his handcuffs on him?

Callahan: I do not recall whose handcuffs that they --

Hines: Did you put the handcuffs on him?

Callahan: I don't believe so, no.

Hines: Did Morris?

Callahan: I did not see --

Schwab: If you know; if you know. You may or may not know.

Hines: As you sit here today, you have no recollection of who actually handcuffed the suspect?

Callahan: I believe it was a combined effort by everybody who was back there.

Hines: You say, "Deputy Canfield was able to assist us with handcuffing the suspect."

Callahan: Assist being...

Hines: You're all holding and you're all cuffing...

Callahan: ... and the cuff is getting put on backwards and --

Hines: Okay.

Callahan: -- somebody's readjusting it and --

Hines: All right. Tell us what happens after he's handcuffed?

Callahan: Okay. The suspect was left there lying --

Hines: Hold on. This is just my --

Schwab: Let me turn mine over at the same time. Okay, this is Side 2 of Deputy Callahan's interview out of Pico Rivera at IAB on 12/9/04.

Hines: We also just went to Side B, and I had just asked, after the suspect is handcuffed, what happens?

Callahan: Okay. I had instructed everybody who was there to allow the suspect to stay in that position for a moment laying down before everybody stood up and was able to gather their breath, at which time I -- it was a short period of time, "Okay, let's take this guy out to the car." So we pick him up --

Hines: How much time?

Callahan: I would say 30 seconds.

Hines: Okay.

Callahan: Thirty seconds to a minute maybe.

Hines: Okay.

Callahan: Pick him up and I have a hold of his right arm. Deputy Morris is on his right side and has a hold of his left arm. That doesn't make sense. I have a hold of his right arm. Deputy Morris has a hold of his left arm.

Hines: Okay.

Callahan: He stands up.

Hines: Is there an error in your report at that point? I'm thinking there is: "I was holding on to the suspect's left upper arm." Did you mean the right?

Schwab: Was it the right?

Callahan: I actually meant his right arm.

Hines: Okay.

Callahan: Actually meant his right arm.

Hines: I thought -- I thought that's what -- what you meant.

Callahan: I'm sorry.

Hines: I kind of got confused there.

Callahan: Yeah.

Hines: Okay.

Callahan: I did. I had a hold of his left upper arm bicep area.

Hines: Right.

Callahan: And I believe I had --

Hines: You had his right arm?

Callahan: His right arm.

Hines: Okay.

Callahan: I had his right arm, correct. I'm seeing my left arm.

Hines: Right.

Callahan: And I had also a hold of his elbow.

Hines: All right.

Callahan: We stood -- we stood him up and he was -- he was left standing there for a brief period of time, just a few seconds allowing his body to gather himself instead of dragging him out there. The suspect -- I didn't know if he was -- if he was trying to hit or if he possibly lost his balance. Given the circumstances that had led all the way up to this point, I had to assume that it was -- he was trying to hit. But like I said, I don't know if he did or not, but his body -- he lunged his body weight towards Deputy Morris which caused him -- he saw it and backed up, pulling his head back --

Hines: You're talking about Morris now?

Callahan: Correct, in order to avoid being head-butted, basically. I saw that coming and I -- I tried to strike him. I don't recall if I actually made contact with him. I think I might have grazed his chin. And as my body weight was turned this way, I still have a hold of his right arm. As I swing, I'm trying to pull at the same time, and I look and I see Deputy [redacted] come into the picture. As soon as I -- I notice him, I see Deputy [redacted] strike him.

Hines: With?

Callahan: I thought he struck him with his hand. That was -- that was my knowledge, that he was hitting him with his hand.

Hines: Which hand?

Callahan: I believe it was his right hand, I believe. I later found out that it was not. He had a flashlight in his hand, but it was a small one. Seemed like in a situation like this where it was protruding from his hand, it wasn't the large mag light that most people carry, so it wasn't totally visible to me. It was in the -- the dark. A little light like this, I thought it appeared to be his hand, but actually, he had a flashlight.

Hines: For purposes of the tape, Deputy Callahan has picked up a pen and placed it in his right hand with only the small portion of it sticking out on one -- one end. And you say it's not -- it wasn't the standard -- how many cell flashlight was it?

Callahan: I'm -- I'm not sure; I'm not sure. I believe it's a Stinger brand, I believe.

Hines: So you found out later that it was a flashlight. At the time, you didn't know it was a flashlight in his hand?

Callahan: Correct.

Hines: Okay. How much later did you find out?

Callahan: I don't recall.

Hines: Okay.

Morejon: How many times did you see him hit him, hit the suspect?

Callahan: At least twice. I would -- I would say twice.

Morejon: Do you know why he hit him?

Callahan: I could speculate, that he saw the suspect trying to strike Deputy Morris and he attempted to deter the guy's actions, stop him from -- stop the threat. Even though there were several deputies there, the guy -- he could have believed that he was still being assaultive, and that's why he assisted.

Hines: Did Sergeant [redacted] arrive at the scene after -- is that the force -- was that all the force that you observed and did?

Callahan: Yes.

Hines: Okay, all right. So basically, all the force that you did was striking the suspect on the side?

Callahan: And semi-striking him across the face when he --

Hines: You wrote in here that you just -- "I reached across the suspect's face and upper torso in order to grab the suspect's left shoulder." Were you reaching across or were you --

Callahan: It was kind of --

Hines: -- attempting to strike him?

Callahan: It was kind of -- if -- if I had hit him at that time, it would have been okay. I was -- my -- my thought was to -- because Deputy Morris was in between the suspect and the house and my -- my thought was to try and get the -- to pull the guy away from him, at which time I came across -- but the reason why I say "strike" now is because I know when I came across, I know that I actually touched his chin.

Hines: Okay.

Callahan: But my -- my intention was to grab him and pull him away so he -- he wouldn't get hit.

Hines: And then -- and -- okay. That, the strikes, and then reaching across and you -- and you grazed him, I think that was your word, right, grazed his chin?

Callahan: Yes, sir.

Hines: And then the other force that you observed with Perez striking and then you also see the strike from Deputy --

Callahan: [redacted]

Hines: -- [redacted] Did you ever see Morris strike the suspect?

Schwab: Well, are you talking about what he already said about what was in his report?

Hines: I didn't read in here that he said that Deputy Morris struck the suspect.

Schwab: All right. Let's go back to your first part of the report here.

Callahan: I can -- I can read in the report -- No, the only portion where it would be is right here. And I did not write about seeing Deputy Morris strike him.

Hines: But did you?

Callahan: I -- no, I didn't.

Hines: If you didn't see it, then it shouldn't be in the report.

Callahan: That is correct.

Hines: Okay.

Schwab: Where he says "Deputy Morris was able to grab the suspect by his left arm and direct him to the ground."

Hines: Right, that was it.

Schwab: Okay.

Hines: All right. So that's all the force that you observed and the force that -- that you actually did. So did Sergeant [redacted] arrive at the scene -- [redacted]

Callahan: Yes.

Hines: Did you see Sergeant Bobby Lawrence arrive at the scene? Do you know who Sergeant Bobby Lawrence is?

Callahan: No, sir.

Hines: You do not.

Morejon: He's a GET sergeant. Did you ever see a GET sergeant there?

Callahan: I don't recall, sir.

Hines: All right.

Callahan: If I did, I didn't talk to him.

Hines: Okay. Did you show him this?

Schwab: It's been about an hour ago, so --

Callahan: No. I -- recall this...

Schwab: A few days ago, we looked at that.

Hines: All right. Sergeant [redacted] arrives, and do you have any conversation with her regarding any force that's used?

Callahan: According to her, I do. I remember being so overwhelmed at the time, just from all the incidents going on and she asked me what -- who used force. And I don't -- I do not recall what I told her. I know that I did not report my force then when I was supposed to. I believe I said something to the effect of "Not now."

Hines: Meaning what?

Callahan: Like I -- like "I'll get to you -- I'll get to you later" or "I'll get back to you on this one." I got a lot of things that were going on that I was very unaware of, I'd never done, handled from start 'til end. Pursuit, I had not been in one. So there was a lot of things that I was unaware of with all the cars that were out there and all the -- the facts, everything that was going on. I was overwhelmed at the time.

Hines: Well let me ask you this, are you -- are you familiar -- were you familiar at the time with the use-of-force reporting policy?

Callahan: Yes, sir.

Hines: And did you know you were obligated to report your force immediately to a supervisor, a sergeant, or above?

Callahan: Yes, sir.

Hines: Okay.

Callahan: That was -- that was a drastic error on my part.

Hines: So is it fair to say then that you -- you're telling us that you didn't tell her at the time because you were overwhelmed and you made an error?

Callahan: No, I'm not -- I'm not making an excuse. I'm just saying it was -- it was an error. I should have told her and I didn't.

Hines: All right. But what you're reading here, what -- what Sergeant [redacted] reported to us

that she recalled you telling us is are you -- or telling --

Schwab: Her.

Hines: -- you telling her is that you don't recall saying that. Are you saying that you didn't say that? What is your explanation?

Callahan: A portion of this is correct. I -- what I do recall telling her was that the ground was very wet and very muddy and that would explain why we were covered in mud. I do not recall telling her that the suspect put up his hands and then went down to his knees. I do not recall telling her that. I don't recall telling her very much at the time.

Schwab: Did the suspect do that, put up his hands and go down to his knees?

Callahan: No, he did not. My -- my mistake, sir, is I did not report what I did right away, which I'm aware of.

Hines: Okay. So you don't recall -- I hate to belabor this. I apologize. You don't remember saying this to her? You say you don't remember hardly saying anything to her?

Callahan: Correct.

Hines: Part of this you do remember saying, though? Which part is -- do you remember that you did say?

Callahan: The portion about the grass being wet.

Hines: How about "He tried to climb over the fence, but was unable to make it over the fence"?

Callahan: I don't -- I don't believe that I even told her that.

Hines: Okay, all right.

Callahan: I don't believe that I told her that.

Hines: Do you recall what I asked you earlier about what the suspect said, that he said that he -- that he -- that -- this is actually pretty close to what the suspect says that happened. Do you recall that?

Callahan: Exactly.

Hines: Okay. Later, there's a pursuit debriefing, is that correct, at the station?

Callahan: Yes, sir.

Hines: And Lieutenant [redacted] was there?

Callahan: Correct.

Hines: And was [redacted] there also?

Callahan: Yes.

Hines: Did you attend that debriefing?

Callahan: Yes.

Hines: And who else was in that debriefing?

Callahan: I believe everybody that played an active role -- excuse me, everybody that played an active role in this pursuit from the time of its start to its conclusion.

Hines: Is it fair to say then that Perez and Morris and Canfield and [redacted] --

Schwab: [redacted]

Hines: -- [redacted] was there?

Callahan: Yes.

Hines: Did Lieutenant [redacted] ask anybody at that time if force was used?

Callahan: No.

Hines: He did not. Did he discuss force issues at the debriefing?

Callahan: I don't recall if he discussed force issues. I do remember him talking about the pursuit and that he asked us if there was anything that -- that we would like to talk about.

Hines: Okay.

Callahan: Which I could probably reference to him wanting to know about force. But as far as him actually saying that, I do not believe that that's what he said.

Hines: Okay.

Callahan: But he did make reference if there was anything that we'd like to talk about, and this was the time to do it.

Hines: Okay. Whose responsibility is it to report force? Is it yours or is it the responsibility for the Lieutenant to ask?

Callahan: It's mine. This -- this whole thing was mine. I should have been the one to make sure that everybody had reported their force. This was mine from the beginning. I assume the responsibility for that. I should have told -- I should have made sure that everybody went in and did that. I -- I didn't do that. I didn't even do it for myself.

Hines: Okay. So during that debriefing, pursuit debriefing, no force was reported?

Callahan: That's correct.

Hines: After this debriefing, did Lieutenant [redacted] and [redacted] leave at some point?

Callahan: I believe so or we were all kind of dismissed out of there.

Hines: Okay.

Callahan: I don't remember the order.

Hines: What did you do after they left?

Callahan: I went outside with the rest of the deputies who were involved in the use of force. We went outside and basically talked about what happened. It was the first moment that we had to actually discuss what -- "What did you do? What active part did you play in it? Where were you at? What -- what really happened? Why did we not report this force right away?" There was a discussion about that.

Hines: I will -- I will tell you what Sergeant [redacted] events... Sergeant [redacted] said had happened and you can see if this refreshes your memory, if this is what happened or -- or you feel that it didn't happen. There was the pursuit debriefing, okay. No force was reported. The Sergeant and the Lieutenant left that briefing for approximately 15 minutes. They went to speak to the suspect. You and the other deputies stayed

in that room for about the 15 minutes. [redacted] then comes back and she says now, she tells you guys, "The suspect is now alleging this; he's alleging he was struck with a flashlight; he's alleging he was punched and -- punched and kicked. You guys need to figure out what you need to tell me and get back -- and get back with me," essentially, you know, something to that effect. I'm not saying those are the exact words. And she leaves again. And at this point, you guys go out into the parking lot. Is that about how you remember it or do you remember it differently?

Callahan: What I remember is a little bit different. I do not -- we did stay in there and I believe that she came in and told us that force had been used, "So you guys need to figure this out." We went outside at that point. It was -- when we were outside that she came out and told us additionally, "Now he's got flashlight marks on him."

Hines: Okay.

Callahan: And I remember being upset, thinking, I didn't see anybody hit him with a flashlight, who -- who did this. But we had -- we had -- I'm going to have to back up because we had reported our force. The force was reported and then it was brought to our attention that he had been struck with a flashlight. And that's why I remember being upset, because I had talked to everybody individually and attempted, you know, to find out what they did, what I saw and what they did, and nothing was brought up about the flashlight.

Hines: Okay. You're going to need to give me a time line here of when you got this information.

Callahan: In terms of minutes?

Schwab: No, that's not what he's talking about.

Hines: No.

Schwab: In terms of the sequence --

Hines: Yes.

Schwab: -- of events.

Callahan: Okay.

Hines: Okay. You're back at the station. You've had the debriefing, okay, the pursuit

debriefing. Tell me at that point what you recall happens.

Callahan: I believe we went outside and discussed it. We were going to go in and now report the force.

Hines: You're saying immediately after this pursuit debriefing, when -- when the Lieutenant and the Sergeant walk out, you then as a group walk out into the parking lot?

Callahan: To the best of my recollection.

Hines: Okay, all right. And at that point, you're discussing -- now nobody's reported -- said anything about the use of force yet.

Callahan: To my knowledge, no.

Hines: Okay.

Callahan: No.

Hines: All right. So you're outside and the discussion is what?

Callahan: Why haven't we said anything.

Hines: Okay.

Callahan: What we've done was -- is fine. What we did was okay.

Hines: You mean the force you used was okay?

Callahan: Correct.

Hines: Not reporting it wasn't okay.

Callahan: Correct.

Hines: Okay.

Callahan: What we've done was okay. There's no reason why we're not reporting this.

Hines: Okay.

Callahan: To the best of my recollection, it was reported at that point.

Hines: When you were out in the parking lot?

Callahan: I don't -- to be honest with you, I do not remember exactly where. I believe I reported it to Lieutenant [redacted] I don't remember where we were at, if we actually went back in the station and told him.

Hines: At some point, did you yourself report your force to somebody?

Callahan: Yes, sir, I did.

Hines: And who was that?

Callahan: I believe it was Lieutenant [redacted]

Hines: And when was that?

Callahan: I do not recall.

Hines: Was it after you were in the parking lot?

Callahan: Yes.

Hines: Did Lieutenant [redacted] come out into the parking lot?

Callahan: I think maybe at one point he did.

Hines: Okay. Did Sergeant [redacted] come out to the parking lot?

Callahan: On a few occasions.

Hines: How long were you in the parking lot?

Callahan: Half-hour.

Hines: Did you only report your force after it was brought to your attention that the suspect was alleging that force was used?

Callahan: Could you rephrase that?

Hines: Okay. Was it only after [redacted] come back to you and said, "The suspect is saying this" that you guys reported your force?

Callahan: No.

Hines: Had you reported it before she told you that -- what the suspect was alleging?

Callahan: No.

Hines: They can't be both no.

Callahan: Well, you made it sound as if the only reason I was reporting was because the suspect --

Hines: No, no, no. I'm saying --

Schwab: That's true, that is the inference from your question.

Hines: Okay. In reference of time, did you report your force after it was brought to your attention that the suspect was alleging that, one, he was punched and kicked and/or struck with a flashlight?

Callahan: The flashlight did not come up 'til later, but once we were told that, that he was alleging that there was a use of force, at that point, I reported my force. That's to the best of my recollection.

Hines: But you don't -- you don't remember where this took place?

Callahan: No, 'cause I remember going back outside 'cause there was -- there was a lot of outside time. I remember being back outside and Sergeant [redacted] I believe she came out of -- actually walked out of the jail and came up to us and said -- that's when she noticed that she had seen flashlight marks on him. And that's when she brought it to our attention that, "The force that was reported didn't say nothing about flashlights. You guys better get this right."

Hines: Now [redacted] comes to you and says, "There's flashlight strikes." Had you known anything about flashlight strikes prior to that?

Callahan: No, sir.

Hines: Okay. Sergeant Morejon.

Morejon: What happens when she asked about the flashlight strikes? Did somebody -- to your best -- to the best of your knowledge, somebody copped to it or say "Yeah, I did"?

Callahan: Eventually.

Morejon: So later on?

Callahan: Yes.

Morejon: Did you finally figure out when this flashlight strike occurred?

Callahan: Yes.

Morejon: How long -- when this incident took place, how long had you been out on patrol?

Callahan: Three years.

Morejon: You had been there for three years at the time?

Callahan: Roughly.

Morejon: Okay.

Callahan: October, it would actually be two years and 11 months.

Morejon: Never been involved in a pursuit in those three years?

Callahan: Initiated primary unit? No, sir.

Morejon: No?

Hines: Had you been involved in any uses of force?

Callahan: A few, minimal.

Hines: And you had always reported your force?

Callahan: Yes, sir.

Hines: In a timely manner?

Callahan: Yes, sir.

Morejon: Do you know the reason why the other deputies didn't report their force? Was that talked about?

Callahan: No. I do not know why they did not report their force. I could speculate, but I don't -- I don't know why they didn't.

Schwab: Well don't speculate if you don't know.

Callahan: Okay.

Morejon: I mean I've -- you said that you guys went out there and that's where you were talking about -- you start talking about, "Hey, why are we doing this? Why haven't we reported our force? We didn't do anything wrong. What we did was right." So nobody said, "Well here's why I'm doing it" or -- "This is --."

Callahan: I don't believe I heard a statement that gave a direct answer as that, "I don't know," "I'm being stupid," "I got to say something," you know. "I've never done -- I've never not said it." "I don't see what the big deal is." "All right." Sure, is there anything more? Let's go in there and let's do this and do the right thing.

Morejon: Okay. You said at some point, you reported to Lieutenant [redacted]

Callahan: I believe it was Lieutenant [redacted] yes, sir.

Hines: Did you ever report anything to Sergeant [redacted]

Callahan: The way the force was reported, it wasn't a formal situation, "Come in, sit down, let's talk about this." It would have been probably like in passing, "Hey, Sarge, we used force on this." "All right, okay, well make sure you get it straight on the report." It wasn't stand there and "Let me drill you about it." So the way it was done was very informal. That's why I -- I have a hard time recalling who I said -- who I actually said it to and exactly what time.

Morejon: Is there a reason that you didn't list in your report who you notified concerning your use of force?

Callahan: No, sir. There's no excuse for that.

Morejon: You know that's -- you're supposed to do that, right?

Callahan: I was unaware. I had --

Hines: You said you're aware or unaware?

Callahan: I'm unaware. I had a sergeant review my report after I was done and it was never -- it was never -- it was never brought up. And I didn't -- I don't believe that I knew that I had to list that person in there. I -- I do know that now, but at the time, along with several other errors I made that night, that was just another one.

Hines: Let me refresh my memory [pause]. So just so I'm clear, you -- you felt while the suspect was -- first of all, the suspect fought or struggled on the ground. He didn't give up and put his hands on the back of his head as he alleges happened.

Callahan: Correct.

Hines: And which is close to what you allegedly originally told [redacted] That didn't happen?

Callahan: To -- that -- that's correct. I do not recall telling her that, no.

Hines: Okay, all right.

Callahan: I wouldn't have told her that. That's -- I don't remember actually saying very much to her because immediately, I was -- she took me and we -- we're doing door-to-door looking for witnesses. There was only a very brief period of time when she asked who used force.

Hines: All right. And also so I'm clear, when the suspect -- you felt that the suspect was going to head-butt Deputy Morris?

Callahan: Right.

Hines: And when you saw Deputy --

Schwab: [redacted]

Hines: -- [redacted] strike the suspect in the stomach area, you had no idea that he had a flashlight in his hand?

Callahan: At that time, no.

Hines: Okay. And when was it that you did find out that he had a flashlight in his hand?

Were you still at the scene or was it back at the station?

Callahan: No. That was when Sergeant [redacted] had come out and told us that he had marks on him that were indicative of being struck with a flashlight. And I asked specifically who -- who did that.

Hines: Did you ask this in front of [redacted]

Callahan: No.

Hines: Did you -- okay.

Callahan: No. I asked every one of the deputies that was out there. I looked them right in the eye and I said, "If you hit him with a flashlight, you better say something 'cause this looks very bad. Looks like we're trying to cover it up for you." And Deputy [redacted] said, "It was me." And I said, "I never saw your flashlight, [redacted] Where was it at?" He showed me his flashlight. I know -- I've seen his flashlight before. And he said, "Well it was right in my hand." And I was like, well that makes sense. That's why I didn't see it. I didn't know that that's what he did not report initially. But --

Hines: And also just so I'm clear on the sequence of events, after this debriefing, this pursuit debriefing, you're -- the best of your recollection is that you leave that briefing and go outside?

Callahan: Correct.

Hines: Okay. And when [redacted] approaches you guys again to tell you what the suspect is alleging, are you outside or -- or did you go back inside the debriefing room?

Schwab: When [redacted] does what? Says what the suspect's alleging?

Hines: Right.

Schwab: 'Cause he distinguished between two different incidents; one where [redacted] told him that he was alleging force, and the second time when [redacted] came out and said there appeared to be flashlight strikes.

Hines: Right.

Schwab: He distinguished between those two.

Hines: Well --

Schwab: So those are both allegations. That's why the question is a little confusing.

Hines: Yeah, okay. I don't know how to make it clear because I'm just trying to get a -- what his recollection of the sequence was because there's a debriefing and then there's a return to the briefing room, according to [redacted] Deputies have not left yet. She says at this time, the suspect is alleging this, this, and this. "You guys need to think about what you need to tell me." And they say, according to her, "Okay, we will. We'll get back to you." Then they go outside.

Callahan: That -- that -- that could very well be.

Hines: Okay.

Callahan: The events where we were in and out of the briefing room and outside --

Hines: Okay.

Callahan: -- several times. Therefore, the exact time line --

Hines: Okay.

Callahan: -- as to when things were said --

Hines: Right.

Callahan: -- I'm -- I'm just trying to give you my best recollection.

Hines: Okay, right.

Callahan: We were in the briefing room when she said that [unclear], I would say that that's -- that's fair.

Hines: Okay.

Callahan: That's fair.

Hines: And then at some point after that, after you'd been outside, she approaches you again and says, "Now, flashlight strikes." Okay, all right. That's all the questions that --

Morejon: I just want to -- we know you didn't report the force you used. Why didn't you report the force that other deputies used?

Callahan: It was an error in judgment on my part. I have -- I have no excuse and I have no reason except it was -- it was not done and the fact I know better.

Hines: All right. That's all the questions that we have for you. Is there anything that you would like to add or any -- any questions that we haven't asked you and you feel it's important for us to know regarding this investigation?

Callahan: No.

Hines: Okay. Helen?

Schwab: No.

Hines: Okay. With that, we'll go off the record. It's 1828.

SUBJECT INTERVIEW (1st Interview)

IAB CASE NUMBER IV2101944

DEPUTY RICHARD CANFIELD [redacted]

Pico Rivera Station
Field Operations Region III

Deputy Richard Canfield was interviewed at the Internal Affairs Bureau on December 9, 2004, at 1839 hours, by Sergeants William Hines and Elier Morejon. Also present during the interview was Helen Schwab from Green and Shinee. The interview was tape recorded and transcribed as follows:

Morejon: Okay, today's date is December 9, 2004. It's approximately 1839 hours. I'm Sergeant Elier Morejon. With me is my partner, Sergeant Bill Hines, from Internal Affairs Bureau. We are currently at Internal Affairs Bureau, and we are about to interview Deputy Richard Canfield as a Subject under IAB Case #2101944. Deputy Canfield, for the record, can you please state your name and spell your last name for me.

Canfield: Richard Canfield, C-A-N-F-I-E-L-D.

Morejon: And for the purposes of the tape, let's go around the room and introduce ourselves.

Hines: Sergeant Bill Hines.

Schwab: Helen Schwab, Counsel for ALADS and Counsel for Deputy Canfield.

Morejon: Deputy Canfield, prior to going on tape, we gave you a Subject Administrative Rights Form. And you answered both questions as "yes" and signed the form. Is that correct?

Canfield: Correct.

Morejon: Do you have any questions concerning that form at all?

Canfield: No.

Morejon: Where are you currently assigned?

Canfield: Pico Rivera Station.

Morejon: How long have you been a deputy sheriff?

Canfield: Nine years.

Morejon: How long have you been at Pico?

Canfield: Four years.

Morejon: We're here to talk to you about an incident that occurred on October 10th of 2003, at approximately 2325 hours or so. It was a vehicle pursuit that ended up into a foot pursuit and then into a use of force. Do you remember working that day?

Canfield: Yes.

Morejon: Do you recall what unit you were working?

Canfield: Probably 151 Tom 2.

Morejon: 151 Tom 2.

Canfield: Correct.

Morejon: Is that a one-man unit or two?

Canfield: One-man.

Morejon: You didn't have a ride-along or anybody like that in your car, did you?

Canfield: No.

Morejon: Okay, we understand that there was a pursuit of a stolen low-jack hit on a car. The suspect eventually TC'd, right, on I believe Rushmore Street. And there was a short foot pursuit. Were you involved in the vehicle pursuit at all?

Canfield: Yes, I was.

Morejon: How were you involved in the vehicle pursuit?

Canfield: I was the third vehicle involved in the foot pursuit, or in the vehicle pursuit.

Morejon: How long was that vehicle pursuit going before you joined, approximately?

Canfield: A minute maybe.

Morejon: Okay.

Canfield: I don't recall. I was actually on another T-stop.

Morejon: So you were the third unit. And there was an Aero unit above, I understand, correct?

Canfield: Correct.

Morejon: And how long did this pursuit continue before the suspect TC'd?

Canfield: Approximately eight to ten minutes.

Morejon: Eight-to-ten-minute pursuit?

Canfield: Yeah, I don't know the exact time.

Morejon: What I want you to do is tell me now, from that point that the suspect got out of his car and started running, I want you tell me in as much detail as you can your actions and any actions of the deputies and the suspect.

Canfield: All right.

Morejon: And you can refer to your report at any time you like, by the way.

Canfield: Okay. I was -- as I stated, I was the third car in the pursuit. The suspect already crashed 'cause we were coming down -- this is Pico Vista, I believe. We were coming down Pico Vista. By the time I rounded the corner, the suspect was already out of his vehicle and the first two deputies were already -- Callahan I believe was the first car. He was already gone. Then Morris -- Morris and Perez, they were the second unit. They were already gone. So by the time I rounded the corner, there was nobody there at the scene of the collision.

Morejon: So it's fair to say you did not see the suspect either crash or get out of his car?

Canfield: That's correct.

Morejon: So you come around the corner, everybody's gone?

Canfield: Yeah. I come around the corner and I look down Rushmore and I see I think it was

just one person. I don't know who it was, but they were on the lawn, I'm assuming the address where it took place.

Morejon: Right, [redacted] is where it took place.

Canfield: Yeah.

Hines: When you say one person, a deputy? A civilian?

Canfield: A deputy.

Hines: Okay.

Canfield: Yeah.

Hines: You don't know who that was?

Canfield: I have no clue who that was. They round the corner in between the houses. So I assume that's where this pursuit, foot pursuit, they took off.

Morejon: Right. So you saw them going through the driveway, through the front lawn, and to the rear?

Canfield: Yeah, definitely lawn.

Morejon: Okay, all right. Where were you when you saw that?

Canfield: I was getting out of my car.

Morejon: So you were still at --

Canfield: Yeah, a ways back.

Morejon: Okay. Is that where you parked your car, at the corner or did you --

Canfield: Yes.

Morejon: -- drive it up --

Canfield: No. I parked at the corner.

Morejon: At the corner, all right. So did you walk? Did you run?

Canfield: No, I ran.

Morejon: Okay.

Canfield: That's why I know it was a lawn 'cause I tripped over the lawn as I was going into the -- side the house. So around the corner and the suspect was on the ground. Matter of fact, I tripped over a stake that was holding some part of the house up. I don't know who I ran into, but I pretty much tackled one of the other deputies as I was coming onto the scene.

Morejon: Okay.

Canfield: But the suspect was on the ground. When I finally got my composure -- the suspect's on the ground and his hands were out in front of him on the ground and they were yelling at him to stop resisting, the other deputies that were there.

Hines: So let's establish who --

Morejon: Right. Those three deputies are the three deputies you already mentioned.

Canfield: Deputy Callahan, Perez, and Deputy Morris.

Morejon: Okay.

Hines: And who do you think you tackled?

Canfield: It wasn't Callahan, I know that. It was either Perez or Morris, but whoever was on -- well, I was coming around, it would be on the right side. I don't know who --

Hines: Oh, you're saying they're already on the ground when you ran into them or --

Canfield: Correct.

Hines: Okay.

Canfield: Yeah. He was already on the ground. They were on top of him trying to, you know, get his arms behind him.

Hines: You stumbled?

Canfield: And I stumbled on whoever was on, you know, the right side of him --

Hines: Okay.

Canfield: -- that's who I took --

Morejon: All right. Now the suspect, just so we can kind of get our bearings here, is his -- his head closer to the street or his feet closer to the street?

Canfield: His head is facing the street.

Morejon: So his head is facing the street.

Canfield: Correct.

Morejon: And you see the three deputies. Now when you say, just for the purposes of the tape, you said his hands are above his head, so I would assume not in a prone position, but -- but straight ahead in front?

Canfield: Yeah, I believe they were straight ahead.

Morejon: And he's on his stomach?

Canfield: Correct.

Morejon: Okay, all right. And they're struggling with him. What are -- describe the struggling.

Canfield: As I said, they were yelling at him to stop resisting. I know that on his right side, I believe they were trying to get his arm behind his back. No one had his left arm. That's when I ran in there and tried to grab his left arm and pulled it behind his back. They were punching him in the sides here.

Morejon: Okay. Who's "they"?

Canfield: Like I said, I don't know who I ran into. Whoever I ran into on the -- on the suspect's left side, and I don't think it was Callahan. I think -- Callahan I think was more down towards his feet. So I'm sure it was Morris or Perez.

Morejon: Well don't guess. If you don't --

Canfield: I mean I don't know for certain..

Morejon: Don't guess. If you don't know who did it -- but you saw someone on his left side hit him?

Canfield: Correct.

Morejon: And hit him with what, a closed fist?

Canfield: Just a fist, yeah.

Morejon: Okay. And where did they hit him?

Canfield: In the side.

Morejon: On his side.

Canfield: On his left side.

Morejon: Rib area, cage -- rib cage area.

Canfield: Yes, yes.

Morejon: Okay. How many times?

Canfield: Couple, three.

Morejon: Okay. Did anyone else hit the suspect that you saw?

Canfield: Whoever is on his -- the suspect's right side was hitting him --

Morejon: Okay.

Canfield: -- two, three times also...

Morejon: And --

Canfield: ... Yelling at him to comply.

Morejon: -- again with the fist?

Canfield: Correct.

Morejon: And again in the same area, but on the right side?

Canfield: Correct.

Hines: But you don't know who that deputy is either?

Canfield: Yeah. It's one of three. I don't know.

Hines: Okay.

Morejon: And I know they're yelling at him to stop resisting, but he's got his hands above his head. In your opinion, what was he doing to resist?

Canfield: He was -- he was -- he was squirming. Yeah, he was, you know, shifting his body from side to side.

Morejon: In your opinion, was he allowing them to handcuff him?

Canfield: No.

Morejon: Go ahead, so what happened next?

Canfield: I grabbed his left arm and I tried to pull it behind him and he just, you know, he stiffened up, you know. He wouldn't let me pull his arms back.

Morejon: Where are you at this time?

Canfield: I'm now on his left side probably near his shoulder trying to pull his arm back.

Morejon: Okay. So there's a deputy there pretty close to you?

Canfield: Correct, yeah, to my right.

Morejon: Okay.

Canfield: Yeah, to my right.

Morejon: All right.

Canfield: So --

Hines: And you don't know who that was?

Canfield: It was Morris or Perez.

Hines: Okay.

Canfield: I don't know which one it was.

Morejon: All right. So what happens while you're doing -- trying to put his left arm behind his back?

Canfield: I know they maybe hit him once or twice more and --

Morejon: Who's "they" again?

Canfield: The other --

Morejon: The same two?

Canfield: The same two deputies, yeah, correct.

Morejon: Okay.

Canfield: And we eventually got his arm behind his back and handcuffed him.

Morejon: Did you ever hit the suspect?

Canfield: No, I did not.

Morejon: Did you ever kick the suspect?

Canfield: No, I did not.

Morejon: Did you ever hit him with a flashlight?

Canfield: No, I did not.

Morejon: What happened after that?

Canfield: Once he was handcuffed, I got up and I went back -- I walked out to go back to the original traffic collision. For one, I didn't search the vehicle. I was -- I left. I don't know if it was even searched and I wanted to make sure nobody was hurt.

Morejon: You mean the suspect's vehicle?

Canfield: Correct.

Morejon: Okay. So when you left, where was the suspect? Was he still on the ground?

Canfield: Still on the ground.

Morejon: He was still on the ground. So you got up; he's handcuffed; you leave?

Canfield: Correct.

Morejon: When you leave there, who is there as far as deputies?

Canfield: Morris, Perez, and Callahan. And I see -- as I'm walking away, Sergeant [redacted] was walking up the grass.

Morejon: Okay. Did you ever see Deputy --

Schwab: [redacted]

Morejon: -- [redacted]

Canfield: No.

Morejon: Never saw him at all?

Canfield: Never saw him there at all.

Morejon: Okay, all right. You go back to the car and you do your thing at the car.

Canfield: Correct.

Morejon: What happens next?

Canfield: Myself and an early morning's unit, I think we impounded the car and, eventually, I went back to the station.

Morejon: In your opinion, in your -- what you did, your actions there with the suspect, did you use force on the suspect?

Canfield: Yes. I tried to overcome the resistance of another, so yes that would be force.

Morejon: Did you report that force to anyone?

Canfield: Not immediately, no.

Morejon: When Sergeant [redacted] walked by you, did you report it to her at that time?

Canfield: No. At that time, she just asked -- if I remember, she asked us, "Is everybody okay?" And I said "yes" and pretty much walked past each other as we were saying that --

Morejon: Okay.

Canfield: -- and I walked back towards the car.

Morejon: Was she your immediate supervisor at that time?

Canfield: Yes.

Morejon: Did she ever ask you there if you had, you personally had used any force?

Canfield: No, she did not.

Morejon: Any time out in the field or on Rushmore Street, did she ask if you had used any force?

Canfield: No, she did not.

Morejon: Okay, all right.

Hines: But why didn't you tell her what force you did and what you observed at that time?

Canfield: I think my concern at that point was to go back to the car, clear the car and make sure everything was okay. As I said, I walked all the way back here. I saw Sarge up here. So I dealt with the car and I left.

Hines: You what the car?

Canfield: Dealt with the car.

Schwab: Dealt.

Hines: Dealt with --

Canfield: Dealt with the car, then I left the scene. Eventually, I went back to the station, but I did not -- you know, I should have probably walked back and talked to her, but I did not. I went back to the station.

Morejon: Okay.

Hines: Any specific reason why you didn't tell her? You were more concerned about the car?

Canfield: Clearing the car, making sure there weren't any other suspects in the vehicle.

Hines: All right.

Morejon: All right. After you cleared the car, why didn't you go back and talk to her?

Canfield: Good question. I have no excuse. I just didn't go back. I think at one point, somebody said, "We're all going to the station" and that's where we went.

Morejon: So you went to the station, and what happened at the station?

Canfield: We all went into the briefing room.

Morejon: Now again, "we" is who?

Canfield: Me, Deputy Perez, Deputy Callahan, Deputy Morris.

Schwab: And [redacted]

Morejon: [redacted]

Canfield: Oh, Deputy [redacted] I'm sorry.

Morejon: All right. And what happened in the briefing room?

Canfield: I think Sergeant [redacted] came in at one time, asked if -- I don't even know her exact

words, but just asked if anything happened other than, you know, the pursuit. And nobody said anything. I know that Sergeant [redacted] -- not Sergeant [redacted] but Lieutenant [redacted] came in, asked the same thing, and same result, nobody said anything.

Morejon: Okay, all right. And I'll ask just for you. At that time, why didn't you say something?

Canfield: Good question. I don't know. It was a mistake. I should have said something.

Morejon: Okay. What happened --

Hines: Are you familiar with the use-of-force report policy?

Canfield: Yes.

Morejon: Okay. What happened next?

Canfield: After Lieutenant [redacted] came in and asked, we walked outside, basically discussed what happened amongst ourselves, and came back in. I don't know who we reported to, if it was a sergeant or a lieutenant. I don't recall who was in that -- in that second time we went back in there.

Morejon: Okay. Into the briefing room?

Canfield: Correct.

Morejon: All right. You know the story with what's her name. Do you want me to -- [redacted] I'm going to -- I'm going to tell you the sequence -- let me ask you this first. Prior to you reporting the use of force to [redacted] or whoever you reported it to, did she tell you guys as a group or you by yourself that the suspect was claiming that force had been used against him?

Canfield: She didn't tell me personally. I think at one point, she did come back in and say the suspect had marks on him.

Morejon: Okay. Was that prior to you guys reporting your force to her?

Canfield: I don't recall if it was prior or -- or after.

Morejon: Okay. Let me tell you what she says, see if it refreshes your memory. You guys go

to this briefing or you go to the station and you go to briefing.

Hines: It's a debriefing. It's a pursuit debriefing.

Morejon: A pursuit debriefing with her and Lieutenant [redacted] ight. You're all in there. You guys go through the pursuit. You do the whole thing. Lieutenant [redacted] and her, or both, ask, "Is there anything else? Is there anything you want to tell us?" whatever, those kind of -- those words. Nothing said, just like you said. She --

Hines: Let me just ask something here. During this debriefing, do you recall Lieutenant [redacted] ever discussing the importance of reporting force or any mention of force?

Canfield: No, I don't recall him talking about it.

Hines: I'm not asking you did he say to you specifically, "Did anybody use force," but did he -- did he talk about the importance of reporting force and things like that?

Canfield: He may have. Honestly, I -- I don't recall what -- we were in there for several minutes. I don't recall the exact conversation. I remember the end of the conversation when he asked, "Was there anything else you want -- you want to tell me?"

Hines: Okay.

Canfield: And that's when, you know --

Morejon: And how did you --

Canfield: Nothing was said.

Morejon: How did you take that -- his last comment? What did you think he was trying to get?

Canfield: I think he implied, "Did anybody use force?"

Morejon: All right. So going back to the event, so she says okay. [redacted] and her leave. She goes and interviews the suspect or talks to him. He says now at this time, "Yeah, I was hit, struck, all this occurs with a flashlight." She goes back to talk to you guys after talking to [redacted] She goes back to you guys, where you guys are still in the briefing room at this time. And she tells you guys, "This is what the suspect is claiming. He's got injuries. What happened?"

Hines: "You guys need to get together what you're going to tell me."

Morejon: You guys say, "Okay, give us a minute" or somebody in the group says that. You guys all go outside in the parking lot. You're out there for about 30, 35 minutes. Apparently while you're out in the parking lot, you know, you guys decide, "Hey, we're going to tell what happened" or whatever you guys decide out there. She later -- during that time, she goes and she interviews the suspect again. At that time, she finds out later that the suspect says that he was actually hit with a flashlight while he was handcuffed, which she didn't know before. She goes back to you guys to tell you that, and when she tells you that, that's when you guys say, "Okay, we need to talk to you." You go back in the briefing room. Everybody goes back in the briefing room and then all five of you, along with her, not Lieutenant [redacted] with her, tell her what happened. Is that kind of the sequence you remember?

Canfield: Not entirely.

Morejon: Okay.

Canfield: I think -- I remember the main briefing and nothing was said. And I don't recall her coming back in. I mean that's, you know, my bad memory, I guess. I don't recall her coming back in and saying the guy has injuries or anything like that. I just remember getting up after the -- the debriefing with Lieutenant [redacted] and going outside and discussing it and coming back in and telling him. I don't recall, you know, her or Lieutenant [redacted] ever coming out and telling, "The guy's injured; he's hit with a flashlight." I don't remember any of that.

Morejon: Okay.

Hines: Well when did you finally report whatever force you used or observed?

Canfield: After -- after we went out and spoke in the parking lot.

Hines: And what did you do? Did you go back inside or did somebody --

Canfield: We went back in as a group, back into the -- into the --

Hines: And who did you talk to?

Canfield: I think -- I'm assuming it's -- it's Sergeant [redacted]

Hines: But you don't recall specifically?

Canfield: I can't recall specifically.

Morejon: And this was a room with everybody present or all the rest of you?

Canfield: Correct.

Morejon: Okay.

Hines: Is that why in your report you didn't include in your report who you reported your force to --

Canfield: It is --

Hines: -- as per policy?

Canfield: It's possible. I mean yeah, I should have done that, but --

Hines: Okay.

Morejon: When did you find out that someone had hit the suspect with a flashlight?

Canfield: It was probably later -- well, during that -- the -- when we were out in the parking lot.

Morejon: So I guess -- let me rephrase the question. Did you find this out from a deputy, the deputy that did it, or did you find out from Sergeant [redacted] [unclear - both speaking at the same time]?

Canfield: I remember recalling, [redacted] Deputy [redacted]

Morejon: That he had done it?

Canfield: Correct.

Morejon: And that was prior to her coming outside and saying anything about the flashlight?

Canfield: As far as I know, yeah. I don't remember her coming outside and saying that.

Morejon: Okay.

Hines: During the briefing, the de -- the debriefing, why didn't you report your force then?

Canfield: Good question. I don't know; froze. I remember Lieutenant [redacted] specifically going down asking each individual, you know, "Is there anything else you want to tell me?" And was the last one and I just froze 'cause nobody else said anything.

Hines: Okay. Now I want to go back -- sorry. I want to go back to this incident. When you come around the corner and you first see the suspect, you don't recall seeing anybody having a hold of his left hand or left arm at that time?

Canfield: His left arm, no, no, 'cause that's the side I went to.

Hines: Okay.

Canfield: I think someone had his right hand, but not his left hand.

Hines: In your report, you say, "The suspect still refused to comply and continued resisting." What was he doing by resisting? Is that just the squirming around?

Canfield: Yeah. He was squirming around, moving his -- his, you know -- yeah, just pretty much squirming around and not putting his hands behind his back.

Hines: During the time that you were there and he was on the ground, did you ever see the suspect have his hands like underneath his chest or in his waistband area or tucked under him?

Canfield: No.

Hines: So they always out and above his head and you were trying to pull them back behind his back?

Canfield: Correct.

Hines: Who handcuffed the suspect?

Canfield: I did.

Hines: Your handcuffs?

Canfield: Yes.

Hines: Did you actually have a hold of either one of his hands when he was handcuffed or did you just -- did somebody else hold his hands and you cuff him?

Canfield: I pulled -- well I pulled his left arm back. That's the side I was on. And I don't know, whoever -- one of the deputies pulled his right arm back and I used my handcuffs to handcuff him.

Hines: And just so I'm clear, the suspect was still on the ground when you left?

Canfield: Correct.

Hines: Okay. That's all the questions that we have for you. Is there anything that we haven't asked you that you feel is important for us to know in this investigation?

Canfield: No.

Hines: All right. With that, we'll go off the record. It is 1901 hours.

SUBJECT INTERVIEW (1st Interview)

IAB CASE NUMBER IV2101944

DEPUTY DANIEL MORRIS [redacted]
Operation Safe Streets Bureau
Office of Homeland Security

Deputy Daniel Morris was interviewed at the Internal Affairs Bureau on December 10, 2004, at 1124 hours, by Sergeants William Hines and Elier Morejon. Also present during the interview was Helen Schwab from Green and Shinee. The interview was tape recorded and transcribed as follows:

Hines: Today's date is December the 10th, 2004. The time is 1124 hours. I'm Sergeant Bill Hines. With me is my partner, Sergeant Elier Morejon. We are from the Internal Affairs Bureau currently at the Internal Affairs Bureau in Interview Room B, continuing our investigation under IV2101944. We're about to interview Deputy Daniel Morris. He is a Subject in this investigation. And, Deputy Morris, just for the record, please give us your full name, spell your last name, and then give me your employee number, please.

Morris: Daniel Morris, M-O-R-R-I-S, Employee [redacted]

Hines: Do you have a middle name?

Morris: Ray.

Hines: Ray? Okay. Before going on the record, Daniel, did you have an opportunity to read over and sign the Subject Administrative Rights Admonition?

Morris: Yes, I did.

Hines: Okay. Did you have any questions regarding that form?

Morris: No.

Hines: I just want to remind you for the record, you're ordered not to discuss what this interview -- the contents of this interview with anybody but your attorney. You understand that?

Morris: I do.

Hines: Just for purposes of the tape, we'll go around the room and identify themselves. I'm Sergeant Hines.

Morejon: Sergeant Morejon.

Schwab: Helen Schwab, S-C-H-W-A-B, Counsel for ALADS and Counsel for Deputy Morris.

Hines: Deputy Morris, what is your current assignment?

Morris: I'm currently assigned to Safe Streets Bureau, East L.A.

Hines: And how long have you had that assignment?

Morris: Over a year now.

Hines: On October 10, 2003, you were involved in an incident where force was used by you and other deputies. Do you recall that incident?

Morris: Yes, I do.

Hines: What was your assignment at that time?

Morris: I was assigned to Safe Streets Bureau at Pico -- out at the Pico/Norwalk Station.

Hines: Do you -- did you have a partner that night?

Morris: Yes, I did.

Hines: Who -- what was his name?

Morris: Mark Perez.

Hines: And what was your unit number, if you recall?

Morris: That I don't recall.

Hines: Do you remember what time you started your shift?

Morris: Probably around 4 in the afternoon.

Hines: Okay.

Morris: That's generally when we start.

Hines: Did you write a report documenting your actions and observations regarding this incident?

Morris: Yes, I did.

Hines: Have you reviewed that report?

Morris: Yes, I have.

Hines: Is it a true and accurate account of your actions and your observations?

Morris: Yes, it is.

Hines: Is there anything that needs changed or corrected in it?

Morris: No.

Hines: Tell us in as much detail as you can the circumstances and events leading up and including the arrest of Suspect Galaz.

Morris: We were involved in a pursuit of a stolen vehicle. The pursuit terminated in a traffic accident. The suspect crashed the vehicle into a curve and subsequently into a tree.

Hines: Before you get too far --

Morris: Sure.

Hines: -- this pursuit that you were involved in, were you actually part of that pursuit?

Morris: Yes, we were.

Hines: What -- what position were you in?

Morris: I believe we were the third unit; I believe we were the third unit.

Hines: And what was the reason for the pursuit?

Morris: It was a stolen vehicle.

Hines: Was that the only reason?

Morris: Well, initially it was a stolen vehicle and it turned into a 245 on a peace officer during the pursuit.

Hines: Watch Commander had approved this pursuit?

Morris: Yes.

Hines: Okay, all right. So the suspect at some point crashes. Do you recall where that was?

Morris: I don't recall which street it was on.

Hines: Okay.

Morris: I'm sorry, when he crashed into the deputy or when he --

Hines: No.

Morris: -- crashed his vehicle?

Hines: When he -- at the termination of the pursuit.

Morris: Oh. It was a [redacted].

Hines: Go ahead and take us from that point on.

Morris: He crashed the vehicle. The suspect immediately fled the vehicle, ran westbound down Rushmore Street along the north curb line.

Hines: Let me stop you again. Did you see the suspect crash?

Morris: Yes.

Hines: You did, so you're pretty close then?

Morris: We're close enough to see him crash the vehicle, yes.

Hines: And you're still the third car back?

Morris: As I recall, at that point, we might have -- we may have been the -- the second car.

I believe -- I believe Callahan was the lead car in the pursuit --

Hines: Okay.

Morris: -- and by the time he crashed the car -- there were a lot of units there. By the time he crashed the car, we might have been the second unit.

Hines: Okay.

Morris: At that -- at that point.

Hines: All right. Go ahead.

Morris: The suspect fled the vehicle. I chased him along with my partner and Deputy Callahan. Chased him to [redacted] at which point he ran northbound along the side of the house.

Hines: Okay, let me stop you again.

Morris: Sure.

Hines: As you're in this foot pursuit, give me the order of everybody.

Morris: You know, I'm not sure where the other guys were behind me. I'm not sure what order they're in.

Hines: Were you in the lead?

Morris: I was in the lead.

Hines: Okay, all right. And you don't -- you're not sure who's behind you?

Morris: I'm -- no. I know my partner was -- was in the foot pursuit with me. I know he was -- he got out of the car the same time I got out of the car.

Hines: Okay.

Morris: But whether he was in front of Callahan, I have no idea.

Hines: Okay, go ahead.

Morris: I chased him westbound down the street towards the -- [redacted], at which point he turned northbound. It was right in between the houses. As I chased him, he fell forward into the fence separating the front yard from the back yard. He got up, and as he's pulling himself up over the fence, I ordered him and Deputy Callahan ordered him to -- to stop. At that point, he fell back off the fence, turned towards us. His fists were balled. He was -- I guess his adrenalin was pumping, I don't know. But anyway, he turned his -- in a fighting stance, lunged towards me, at which point I grabbed, I believe it was his left arm, and pushed him to the floor.

Hines: Go on.

Morris: He fell to the floor.

Schwab: The ground.

Morris: The ground, fell to the ground. I was hunched over in an awkward position trying to maintain control over his left arm. I felt that he was -- he was -- He fell to the ground. I grabbed his left arm as he's falling to the ground. He -- well let me back up.

Hines: Okay.

Morris: He fell to the ground. He started to get up off the ground. I grabbed his left arm. He pulled his arm away from me towards his chest. As he's pulling his arm away from me towards his chest, I -- I felt I was losing the grip on his -- on his arm. I struck him several times with my right hand in his left, I think his left side.

Hines: Okay. So you're still standing up at this point?

Morris: At this point, I'm hunched over; I'm standing up. I'm not -- I'm not kneeling. I'm standing up over him.

Hines: Is the suspect on the ground or standing up?

Morris: He's on the ground trying to get up and trying to pull his arm away from me.

Hines: Okay, all right. Go ahead.

Morris: I -- I strike him several times in the -- in the side. I still don't have a very good grip on his -- on his arm. I reposition myself. At that point, I drop -- I put my knee on his -- on his shoulder -- shoulder/neck area and I was able to get a little more leverage

at that point. And with my partner -- my partner -- I noticed my partner there at that point. I don't know if he was there before that, but I noticed him there at that point. He struck him a couple times in the side as well. At that point, I was able to pull his arm back behind his back and I had control over his left arm.

Hines: Then what happened?

Morris: I believe Deputy Canfield showed up. I'm not sure who had his right arm, but at some point, we're able to handcuff -- handcuff him with his left arm and right arm and stand him up.

Hines: Do you recall who handcuffed him?

Morris: No, I don't. I know that I controlled his left arm. I'm not sure who actually put the handcuffs on him or who had his right arm. I was kind of focused on what I was doing.

Hines: Back up to the point where he comes and he's near the fence. This is at the beginning of this.

Morris: Okay.

Hines: How does he end up on the ground? Does he fall on the ground or do you throw him on the ground or force him to the ground?

Morris: He lunged towards me with his arm and I grabbed his arm. And I'm not sure if it was my action that put him on the ground or his -- or the -- or his footing or whatnot, but as he came at me, I grabbed his arm and he went to the ground.

Hines: When you had a hold of him, had you seen any other deputies there at that point?

Morris: I know Eric was there 'cause he was -- he was yelling at the guy to give up as well.

Hines: That's Callahan?

Morris: Correct.

Hines: Okay.

Morris: As for anyone else, I don't know.

Hines: The suspect says that he came up and tried to get over the fence, then he -- then he gave up. He turned around. He went down on his knees and he put his hands on the back of his head. What would be your response to that?

Morris: That didn't happen.

Hines: Did you give him commands also?

Morris: Yes, I did.

Hines: How many times did you hit the suspect?

Morris: I would say more than two, less than -- less than six. I -- I wasn't counting.

Hines: Which hand did you strike him with?

Morris: The right hand.

Hines: And where did you strike him?

Morris: In the left side and the back area, all along the left side.

Hines: And that was with your fist?

Morris: Correct.

Hines: Did you ever strike him with a flashlight?

Morris: No, I did not.

Hines: Did you ever kick him?

Morris: No, I did not.

Hines: Did you see Deputy Callahan strike the suspect?

Morris: No, I did not.

Hines: You did not?

Morris: No, I did not.

Hines: Did you see Deputy Perez strike him?

Morris: Yes, I did.

Hines: Where did you see him strike?

Morris: In the left side.

Hines: When you struck the suspect, what was the reason for striking him?

Morris: He was pulling away from me. He was pulling his arms away from me. He was fighting, he was struggling trying to -- trying to get away. He was pulling his arms under his body. I didn't know if he was -- I didn't know if he had anything on him that could hurt me. I had no idea. All I knew is that he didn't want to go to jail.

Hines: Did he ever swing at you?

Morris: He didn't physically swing, no. He tried to head-butt me at one point, but that's later on.

Hines: We'll get to that. How about kick you, did he ever try to kick you?

Morris: No. I wasn't near his feet though.

Hines: And when you did strike him, it was just that one episode. Did you ever strike him again?

Morris: No.

Hines: And at that point, he is on the ground?

Morris: Correct.

Hines: Are you at his side facing your head the same direction as his head or are you facing towards his feet when you strike him?

Morris: I'm -- I'm kind of parallel to him. If you -- if you were lying on the floor, I would be --

Hines: On my left side facing the same direction as me?

Morris: No. I was facing across from him -- I guess what I'm looking for is perpendicular.

Hines: And Perez was to your left or to your right?

Morris: He would have been to my right.

Hines: And then across from you would have been Callahan?

Morris: Correct.

Hines: And is he perpendicular to him on the right side?

Morris: I don't know which way Eric was facing.

Hines: Okay.

Morris: Callahan.

Hines: Callahan struck the suspect also on the right-hand side about the same time that you did. Do you know why you wouldn't have seen that?

Morris: I would say the -- there's a lot going on. It's dark. I wasn't really focused on what the other guys were doing. I was focused on what the suspect was doing.

Hines: What happens after the suspect is handcuffed?

Morris: We stand him up. I have hold of his left arm.

Hines: Where at?

Morris: At the bicep and towards his forearm area.

Hines: You have two hands on him?

Morris: Correct.

Hines: Okay.

Morris: Two hands on him. We stand him up. As he is -- while he's standing up, he lunges towards me with his head. I lean back, and as I -- I lean back away from him, Eric reached across, grabbed him by the shoulder, and pulled the suspect away from me,

at which point – Deputy [redacted] Yeah, I always mess up his last name; he struck him one time in the stomach.

Hines: One time?

Morris: I saw him strike him one time in the stomach.

Hines: And do you know what he struck him with?

Morris: I -- all I saw was his hand.

Hines: Then what happened?

Morris: The suspect -- we had control of the suspect and escorted him to the vehicle and that was it, patrol vehicle.

Hines: Describe for me when the suspect lunged towards you and tried to head-butt you, what -- what exactly did he do?

Morris: I was standing close to him. I had -- I had hold of his bicep and his forearm and kind of -- we were in close proximity to each other and he swung his -- he swung his head towards me in a head-butting type fashion.

Hines: So he's going sideways?

Morris: [No audible response.]

Hines: You're standing on his left --

Morris: I'm standing on his left side kind of -- my chest would be towards his -- towards his tricep area.

Hines: Are you still perpendicular to him?

Morris: Yes, I am.

Hines: Okay.

Morris: And at that -- at that point, he -- the suspect swung his head at me. That's the best way I can describe it, he swung his head.

Hines: Did his head -- how close did his head come to you?

Morris: If I hadn't leaned back, he would have hit me.

Hines: What part of his head would have hit you? The top of his head or --

Morris: The -- a front portion of his forehead would have hit me.

Hines: The left side?

Morris: Yeah.

Hines: Okay. And would it have hit you in the face?

Morris: Yes, it would have.

Hines: And how many times did you see Deputy [redacted]--

Schwab: [redacted] [pronouncing it correctly].

Hines: -- [redacted] strike the suspect?

Morris: I saw him strike him once.

Hines: After the suspect was placed inside the patrol car, what happened? Well let me ask you this, did Sergeant [redacted] arrive at the scene?

Morris: Yes, she did.

Hines: Did your sergeant, Sergeant Robert Lawrence, arrive at the scene?

Morris: Yes, he did.

Hines: Did either one of them specifically ask you if force was used?

Morris: Yes, they did.

Hines: Which one?

Morris: [redacted] and Bobby.

Hines: And what did you tell them?

Morris: At the time, I said no.

Hines: Okay. And why?

Morris: I have no explanation other than poor judgment at the time.

Hines: Have you been involved in the use of force before?

Morris: Yes, I have.

Hines: Have you immediately reported your force per policy?

Morris: Yes, I have.

Hines: When you were there, did you ever overhear any deputy that was there, explain to Sergeant [redacted] what force or what had happened?

Morris: No, I did not.

Hines: Was there a pursuit debriefing conducted at the station by Lieutenant [redacted] sometime after this?

Morris: Yes.

Hines: Were you at that debriefing?

Morris: Yes.

Hines: Was the pursuit discussed?

Morris: Yes, it was.

Hines: Did Lieutenant [redacted] at that time say something to the effect that -- about force or anything that would make you believe that he's wanting to know if force was used?

Morris: Yes, he did.

Hines: And did you report any force at that time?

Morris: Not immediately, no.

Hines: And why not?

Morris: I would say it was one bad decision after another at that point.

Hines: Did Lieutenant [redacted] and Sergeant [redacted] leave that debriefing at some point?

Morris: Yes, they did.

Hines: Did you and the other deputies stay in the briefing room at that time while they were gone or did you leave?

Morris: I don't know if we were inside or outside at that -- at that point.

Hines: Sergeant [redacted] recalls that they left for a short time to go talk to the suspect and was gone for about 15 minutes and then came back to the briefing room where you and the other deputies were still there. Does that refresh your memory?

Morris: That sounds about right.

Hines: Did she at that point say that the suspect is alleging that he was punched and -- and was struck in some manner and that you guys needed to figure out or discuss what you needed to tell her?

Morris: Yeah, sounds about right.

Hines: And then at that point, did you guys collectively go outside and discuss --

Morris: Yes.

Hines: -- the issues?

Morris: Yes.

Hines: How long did this discussion take?

Morris: I couldn't really put a time on it. I don't think it was -- it was that long of a -- of a period that we were out there.

Hines: And what was discussed?

Morris: Basically that, you know what, we made a mistake and we should really report what -- what happened, you know; didn't do anything wrong up until the point that we didn't report it.

Hines: Then at some point, you do report your force?

Morris: Correct.

Hines: And who do you report it to?

Morris: I think it was Lieutenant [redacted]

Hines: And where did that take place?

Morris: In -- I think it was in his office. It was either in his office or the briefing room. I don't recall.

Hines: And what force did you report to him at that time?

Morris: All the force that is documented, all the force that was used.

Hines: At some point, did you discover or find out that a flashlight was used to strike the suspect?

Morris: Yes.

Hines: When was that?

Morris: That was during the reporting of the force.

Hines: Well, was that when you discussed it outside?

Morris: No. That was when we -- when it was reported to the Lieutenant.

Hines: So when you were outside discussing this situation, no one said at that point that a flashlight had been used?

Morris: No. We weren't discussing the -- the force that was used; we were discussing the fact that we used force and that we needed to report it.

Hines: So even when you're outside, you didn't know about the flashlight --

Morris: No.

Hines: -- until you heard somebody reporting it?

Morris: Correct.

Hines: Did you overhear that being reported?

Morris: When we're -- we were all -- we reported our force at the same time.

Hines: Okay.

Schwab: So the answer is yes, you overheard --

Morris: Yes.

Schwab: -- a deputy --

Morris: Yes.

Schwab: -- say that he had used – okay.

Morris: Yes.

Hines: In your report that you wrote, you -- is it fair to say that you did not include the fact that you reported your force in that report?

Morris: That is correct.

Hines: And the reason that you did not include it in your report is what?

Morris: I didn't report it at that -- at that time.

Hines: Are you familiar with the Department's policy on use-of-force reporting?

Morris: Yes, I am.

Hines: And you are of the understanding that the force that you report, that needs to be documented who you reported it to in the report?

Morris: Correct.

Hines: Sergeant Morejon.

Morejon: What's the normal process -- you work GET?

Morris: Yes.

Morejon: What's the normal process as far as reporting a use of force for GET deputies, when you work in the field. Is it your responsibility to report it to the field sergeant of that certain station or your own GET sergeant?

Morris: If your -- if your sergeant is there, of course you're going -- you're going to report it to him, but the -- the policy is you -- you report force to your immediate supervisor, period.

Morejon: Okay, so -- so [redacted] would have been your immediate supervisor because she was the field sergeant for Pico that day?

Morris: Correct, and she was there -- I don't think there was too much lag time between her and our sergeant getting there, but she was there first as I recall.

Morejon: This is kind of a, just learning here. Normally, the -- if we wouldn't have got involved, would Lawrence have done the force package or [redacted] would have done it? What's your experience as far as when you guys use force.

Morris: He would have done the force package.

Morejon: Your sergeant?

Morris: My sergeant would have done it.

Morejon: Your sergeant.

Morris: Yes.

Morejon: Okay.

Morris: We would have reported it to her, but he would have done the force package. We are under his direct supervision.

Morejon: Just curious, on your report when you say when you struck the suspect with your right hand, you said you had your flashlight in that hand.

Morris: Correct.

Morejon: Is there... So normally, you don't hit a -- hit a suspect with your fist when you got that big -- I assume it was your --

Morris: Yes.

Morejon: –Your mag?

Morris: Yes my mag light. Correct.

Morejon: Is there a reason you just didn't him with a flashlight?

Morris: I didn't want to.

Morejon: Okay.

Morris: And I didn't feel the need to.

Morejon: Okay.

Morris: I struck him with my fist.

Morejon: Holding that flashlight?

Morris: Holding the flashlight.

Morejon: Now I know you -- you've described the reason you didn't tell or you didn't report your force as bad judgment...

Morris: Correct.

Morejon: ...at that time. But you're also saying that you knew that you didn't do anything wrong.

Morris: Exactly.

Morejon: One might ask well, if you didn't do anything wrong, why -- I mean what was really -- I'm not -- I'm not saying you're lying --

Morris: Right.

Morejon: -- what was the reason, I mean besides bad judgment, I mean were you -- that you didn't report it? Was it peer pressure? Was it scared? Was it -- I mean the circumstances? Something had to have been going through your mind because it's a normal use of force. Why not report it the way you usually do?

Morris: Exactly. The -- it was a very adrenaline-pumping situation, you know. It -- it terminated. And when it terminated, I just wasn't thinking clearly. That's my only -- my only explanation. I just didn't do the right thing at that point. I should have and didn't. And then by the time we got back to the station, you know, I had already said no, I hadn't used any force out in the field. By the time I got back to the station, it was -- it just, you know, there was a certain -- there was a certain lag time in saying -- between realizing you know what, I didn't do anything wrong. At this point, I'm going to get in trouble anyway, you know. At some point, I got to step up and say you know what, I'm going to get in trouble, face facts, and just -- and just deal with it, do the right thing and deal with it. Take your lumps and go on with it. And that was it. Just took a little while to get from point A to point B, that's all.

Morejon: Okay.

Hines: Your sergeant did arrive at the scene?

Morris: He did arrive at the scene, yes.

Hines: Did he specifically ask you if you used force?

Morris: Yes, he did.

Hines: So you had two sergeants at the scene that --

Morris: Correct.

Hines: -- inquired about the force?

Morris: Correct.

Hines: All right. One of the issues in this --

Morris: Right.

Hines: -- situation is that at some point, you report force. Was it before you learned about the suspect alleging injuries or was it after you had learned that the suspect had -- is

alleging injuries?

Morris: I believe it was -- I believe it was after.

Hines: Did you only report force because the suspect alleged that he was hit?

Morris: No.

Hines: If the suspect hadn't alleged anything, would you have reported your force at some point?

Morris: Yes.

Hines: That's all the questions that we have for you. Is there anything that we haven't asked you that you feel is important for us to know in this investigation?

Morris: Only that I'm sure I'm I -- I'm with everyone when I say I wish we had done the right thing at the -- at the right time. We wouldn't be here now.

Hines: Okay. With that, we'll go off the record. It is 1151 hours.

[OFF TAPE]

Hines: All right, this is Sergeant Hines again. We're back on the record after a short break. We had an additional question for Deputy Morris. It's 1205 hours. Deputy Morris, we're back on the record. At any time, do you recall at this incident when Sergeant [redacted] arrived, did you ever give her any kind of an explanation as to what happened? Do you recall talking to her at all?

Morris: I recall talking to her, but I don't recall giving her any explanation.

Hines: Okay. When she talked to you, was your -- was your partner, Deputy Perez, with you?

Morris: I believe so.

Hines: What was it that you recall discussing with her?

Morris: That -- she asked if force had been used and we said no.

Hines: Do you recall ever saying something to the effect that the suspect had put his hands

up and you all kind of fell to the ground together because of the wet grass and that the suspect was then handcuffed without any further incident?

Morris: No, I do not.

Hines: You do not recall saying anything to that effect to her?

Morris: No, I do not.

Hines: With that, we'll go off the record. It is 1207 hours.

SUBJECT INTERVIEW (1st Interview)

IAB CASE NUMBER IV2101944

DEPUTY ARTHUR MARK PEREZ #[redacted]
Operation Safe Streets Bureau
Office of Homeland Security

Deputy Arthur Mark Perez was interviewed at the Internal Affairs Bureau on December 10, 2004, at 1210 hours, by Sergeants William Hines and Elier Morejon. Also present during the interview was Helen Schwab from Green and Shinee. The interview was tape recorded and transcribed as follows:

Hines: All right, today's date is December the 10th, 2004. The time now is 1210 hours. I'm Sergeant Bill Hines. With me is my partner, Sergeant Elier Morejon. We are from the Internal Affairs Bureau currently at the Internal Affairs Bureau in Interview Room B. We are conducting an interview with Deputy Mark Perez under File #IV2101944. And just for the record, Mark, give us your full name, spell your last name, and give me your employee number, please.

Perez: Arthur Mark Perez, P-E-R-E-Z, [redacted]

Hines: And before you -- we went on the record, did you have an opportunity to read over and sign the Subject Administrative Rights Admonition?

Perez: Yes.

Hines: And did you have any questions regarding that form?

Perez: No.

Hines: And you understand that you're not to discuss what we talk about in this interview with anybody but your attorney. Is that correct?

Perez: Yes.

Hines: What is your current assignment?

Perez: I'm assigned to Operations Safe Streets, Carson GET Team.

Hines: And how long have you had that assignment?

Perez: I've been in the Bureau for three years.

Hines: Was that your assignment on October 10, 2003?

Perez: No, it wasn't.

Hines: What were you working on October 10, 2003?

Perez: Working for the same Bureau, Gang Enforcement Team, out of Pico and Norwalk Station.

Hines: Do you recall an incident on October 10, 2003, where you were involved in an incident where force was used?

Perez: Yes.

Hines: And you do recall that incident?

Perez: Yes.

Hines: And so your assignment then was still Operations Safe Streets?

Perez: Yes.

Hines: And did you have a partner that night?

Perez: Yes, I did.

Hines: And who was that?

Perez: Deputy Dan Morris.

Hines: Were you the driver or the passenger?

Perez: The driver.

Hines: Do you recall what unit you were in?

Perez: I believe it was William 515.

Hines: And what time did you start your shift?

Perez: I believe it was either 2 or 4:00 in the afternoon.

Hines: Did you write a report documenting your actions and observations regarding that incident?

Perez: Yes.

Hines: Have you reviewed that report?

Perez: Yes, I have.

Hines: Is it a true and accurate account of your actions and observations?

Perez: Yes.

Hines: Is there anything that needs changed or corrected?

Perez: No.

Hines: Go ahead and tell us in as much detail as you can the circumstances and events surrounding the arrest of a suspect that night. I believe his name is Galez, G-L -- G-A-L-E-Z --

Morejon: A-Z.

Hines: A-Z.

Perez: On that day, I was driving; Morris was my partner, of course, and we were engaged in a vehicle pursuit, 10851 suspect. And it was approximately, I don't know, about a 20-minute pursuit. At some point in the middle of that pursuit, he did 245 one of our deputies involved in the pursuit. At the termination, he did TC. He -- we engaged in a foot pursuit when he ran out from the car. He ran --

Schwab: [Sound of tape shutting off] Sorry. Conserving tape here. All right, this is Side 2 of Deputy Mark Perez' interview on 12/10/04 at IAB. Deputy Perez is out of Carson GET, at SSB.

Perez: At this point, at the termination of pursuit there was a foot pursuit. We chased -- we chased him. Deputy Morris was ahead of me. He was a little bit closer, tactically a

little bit closer than where I was. He was ahead of me. When I had come around the corner, he was on -- the suspect was on his stomach and he was flailing around his arms and legs. He wasn't handcuffed yet. He was -- he was being combative. He -- I recognized him as a gangster. I know that Deputy, I believe Deputy Callahan, or -- was on the right side and he was attempting to -- he was struggling with his right hand trying to handcuff him. He was ordering him to put his hands behind his back so we can handcuff him. He was refusing. He was still flailing. Deputy Morris was on the left side trying to -- struggling with his left hand trying to handcuff him. They couldn't -- between the two of them, they couldn't handcuff him yet. He was still flailing. I -- I recognized him as a gangster. I thought he was possibly armed. I thought that if I can -- I gave him a couple of strikes to, I believe it was the right side of the torso area in an attempt so they can handcuff him. I was ordering him at the same time to put his hands behind his back so we can handcuff him. They still couldn't get him handcuffed. He was trying to get away. He was trying to -- he was flailing. His feet were kicking. I believe -- if I can refer to my report.

Hines: Sure.

Perez: [Pause] So we were still ordering him to put his hands behind his back. Deputy Callahan, I saw him strike the suspect a couple times on the right side of the torso also trying to get him handcuffed, to bring his hands behind his back. At that time, I believe it was Deputy Canfield, he finally arrived, and with his assistance, were, between the four of us, finally get both arms behind his back so we can handcuff him. And that was without further incident after that.

Hines: Is that it?

Perez: As far as -- yes.

Hines: Up to that point?

Perez: Up to that point.

Hines: During this foot pursuit, Morris is ahead of you?

Perez: Yes.

Hines: And then are you the -- then I take it Callahan is also ahead of you?

Perez: Yes.

Hines: So give me the kind of distance between everybody.

Perez: Deputy Callahan, I believe he was first. He was closer. He was maybe a few steps ahead of Deputy Morris, --

Hines: Okay.

Perez: -- I believe. Deputy Morris, he was probably approximately -- I think he was maybe 50 feet ahead of me. Let me see if I can -- I think I wrote it in here.

Hines: Okay.

Perez: He was approximately 10 yards ahead of me.

Hines: Okay.

Perez: That's distance-wise.

Hines: Any reason why you didn't put Callahan's name in here as far as in the pursuit, the foot pursuit?

Perez: In the foot pursuit?

Hines: Yeah, since he was the first.

Perez: Nah, I just listed my partner 'cause he was directly -- I was with him; he was my partner, so Deputy Callahan was ahead of him, so I just listed Deputy Morris since he was closest to me.

Hines: So no particular reason why you didn't --

Perez: There's no particular reason.

Hines: But you do recall that Callahan was ahead of Morris?

Perez: Correct.

Hines: So how far ahead is Callahan ahead of Morris? You're 10 -- 10 yards behind Morris. How far ahead is --

Perez: I can't answer that. I don't recall exactly. I can estimate the -- maybe five yards,

maybe less than that.

Hines: Okay, all right. So the first time you see -- when you come between the two houses, the first thing you see is the suspect is already on the ground? You say, "I saw the suspect lying on his stomach."

Perez: Yes. He was on his -- he was on his stomach.

Hines: And his hands -- show me how his hands are. Are they out --

Perez: They -- they were out --

Hines: Okay.

Perez: -- like this.

Hines: And what is he doing exactly?

Perez: He was flailing. Deputy Morris and Deputy Callahan were trying to get his hands behind his back. He was just refusing. He was fighting. He was kicking. He just -- they couldn't do it. He was --

Hines: Well when you say his hands are out in front of him, I mean is he -- is his hands out in front of him --

Perez: Yeah. He was --

Hines: -- and they're moving?

Perez: Right. They -- he was flailing; he was flailing his arms --

Hines: Okay.

Perez: -- and hands and kicking his feet. They couldn't control his hands.

Hines: Okay.

Perez: They couldn't control him at all.

Hines: And who's on which side?

Perez: Deputy Morris was -- I believe he was on the left side and Callahan was on the right side.

Hines: And which side did you go to?

Perez: I was on Deputy Callahan's side, on the right side.

Hines: Okay, all right. Now when you're on the right side with Callahan, are -- is he on your left side or is he on your right side?

Perez: He's on my right side.

Hines: So he's -- he's near the suspect's head?

Perez: He was closer to his head, yes.

Hines: So you're more down like near the waist?

Perez: Near the -- the waist, the torso.

Hines: Now who do you see strike the suspect?

Perez: Deputy Callahan.

Hines: Okay, who's beside you. And where do you see him striking the suspect?

Perez: In the right side torso area.

Hines: Like the rib area?

Perez: Where I had --

Hines: Okay.

Perez: -- struck him.

Hines: And so you're striking him on the same side, but lower?

Perez: It was a little bit lower.

Hines: Did you have anything in your hand?

Perez: No.

Hines: Did Deputy Callahan have anything in his hand?

Perez: I don't recall. I don't remember seeing anything.

Hines: And did you see Deputy Morris strike the suspect?

Perez: No. I don't -- I didn't see him at all. No, I didn't see him. I saw Deputy Callahan 'cause he was closest to me.

Hines: Did you give the suspect any orders?

Perez: I was -- I was ordering him, yes.

Hines: And what were you ordering him to do?

Perez: To stop resisting, to put his hands behind his back so we can handcuff him.

Hines: Essentially, what were your words?

Perez: "Put your hands behind your back," repeatedly.

Hines: And did everybody else say that, too?

Perez: Yes.

Hines: Now when you strike the suspect, Morris is on the left side and you don't recall seeing him strike the suspect?

Perez: No.

Hines: Do you -- what do you see Morris attempting to do?

Perez: I remember him, when I first arrived, that he was trying to -- to get his hand behind his back. After that, I focused on the side that was closer to me and I didn't see the -- the left side at that point.

Hines: Did you ever see Callahan -- did Callahan have a hold of the suspect's right hand?

Perez: He couldn't get a hold of it when I first arrived.

Hines: Did he ever get a hold of it?

Perez: It was after, when Deputy Canfield arrived we were finally able to affect the arrest and get his hands behind his back.

Hines: So up to that point, nobody's -- Callahan has not been able to grab a hold of the suspect's arm?

Perez: He was attempting. It would pull off. It wasn't -- he didn't have control of it. It wasn't like he had control of it and he was in control of that arm. There was no control of it.

Hines: What led you to believe that the suspect was possibly armed?

Perez: Just 'cause I recognized him as a -- as a gangster. I believe he was from Pico Nuavo.

Hines: Pico what?

Perez: Nuavo, I believe. And they're commonly, during the commission of their crimes, gangsters do carry weapons and I believe this -- and he led us on this pursuit. He was doing everything he could to get away.

Hines: When you punched the suspect, how many times did you punch him?

Perez: I think it was three or four times.

Hines: What was the specific reason that you punched the suspect in the side?

Perez: They couldn't get control of his arms and I thought that that was the only way that I can get him to relinquish so they could control his arms and get his hands handcuffed.

Hines: Who -- do you recall who actually handcuffed the suspect?

Perez: I don't recall specifically. I know it was after Deputy Canfield arrived.

Hines: Did you handcuff the suspect?

Perez: No. I believe it was Deputy -- I believe it was Deputy Canfield. I didn't, but I believe it was Deputy Canfield.

Hines: Do you recall how the handcuffing went? Did you have a hold of a hand and -- and --

Perez: I --

Hines: -- and Morris had hold of a hand and Canfield came in and put the cuffs on or -- if you know.

Perez: I -- I don't remember on the -- Deputy Morris's side, on the left side. I don't remember. I don't remember seeing that. I remember after Deputy Can -- Callahan was able to start to bring his hand back, I assisted to help bring his arm back, too.

Hines: So finally, the suspect gets handcuffed. That's correct?

Perez: Correct.

Hines: Did -- did Canfield leave prior to the suspect being stood up?

Perez: I don't recall.

Hines: Do you recall Canfield being there at all after -- after the suspect was handcuffed?

Perez: I don't -- I don't recall him being there. I remember he was there to handcuff him and I don't remember how long he stayed or after.

Hines: Did Sergeant [redacted] arrive at the scene after -- at some point?

Perez: Yes.

Hines: Okay. How about -- you work for Sergeant Bobby Lawrence there?

Perez: At that time I did.

Hines: Did he arrive at the scene?

Perez: Yes.

Hines: Did either one of them ask you if force was used?

Perez: Yes.

Hines: And what did you tell them?

Perez: At that point, we said no.

Hines: When you talked to Sergeant [redacted] did you ever -- did you speak to Sergeant [redacted] at all other than telling her no, force -- force was not used? Did you have any discussion with her?

Perez: I don't remember talking to her.

Hines: How about... do you recall your partner, Daniel Morris, talking to her?

Perez: I don't -- I don't remember he did.

Hines: Well I'm going to have to ask you this, did -- she recalls that she talked to both of you together and -- at the same time. And according to her, she says that you essentially told her that the suspect had put his hands up and you all kind of fell on the ground because of the wet grass. And then Galaz was then handcuffed without any further incident. Do you recall any kind of discussion with that as part of the discussion?

Perez: I don't recall talking to her about that.

Hines: Why did you tell Sergeant [redacted] and Sergeant Lawrence that you did not use force?

Perez: You know, it was at the termination of the pursuit, you know. Our adrenaline and everything, like it was pumped up and running. I mean it was a lapse in judgment. It was just a lapse in judgment, basically.

Hines: Have you been involved in uses of force before?

Perez: Yes.

Hines: Are you familiar with the policy regarding uses of force and reporting the use of force?

Perez: Yes, I am.

Hines: So what would have been different about this one as the ones in the past?

Perez: It was just a -- it was just a very high-risk situation. Like I said, our adrenaline was flowing and it's a long pursuit. It was just -- it was just a lapse in judgment.

Hines: Was there a debriefing regarding the pursuit at the Station later on?

Perez: Yes.

Hines: What do you recall about that debriefing?

Perez: I believe it was Sergeant [redacted] and Lieutenant -- I don't recall --

Hines: Lieutenant [redacted]

Perez: I don't -- yes.

Hines: Was the pursuit discussed?

Perez: Yes.

Hines: Do you recall Lieutenant [redacted] conveying any kind of a message that if force was used, it needed to be reported?

Perez: Yes.

Hines: And at that point, did you report your force?

Perez: No.

Hines: And why not?

Perez: Like I said, it was just -- it was a lapse in judgment.

Hines: Was your adrenaline still pumping at that time?

Perez: Yes, it was still -- it was soon after still. It was, I'd say, still going.

Hines: At some point after this debriefing, this pursuit debriefing, do you recall that Sergeant [redacted] and Lieutenant [redacted] left the briefing -- the debriefing, the debriefing briefing?

Perez: Yes.

Hines: And then do you recall at some point Sergeant [redacted] coming back and telling you something to the effect that the suspect is now alleging that he was struck in some

way?

Perez: I believe so, yes.

Hines: And do you recall her saying something to the effect, "You need to think about whatever you need to tell me and come back to me," something to that effect?

Perez: I believe so, yes.

Hines: And then what did you do? Well let me ask you, did you report any force at that point?

Perez: It was -- I don't remember exactly how soon it was after that, but at that point, no, I don't believe so.

Hines: So what do you recall that you did at that point? Did you leave the briefing room? Did you go outside?

Perez: I believe we went outside. I thought we didn't do anything wrong. Like I said, it was a lapse in judgment and I know we didn't do anything wrong. So we got to, you know, tell them that yeah, we used force. And I thought to myself, too, we didn't do anything wrong. We just got to tell them we used force and write it.

Hines: Okay. Is that what was discussed outside?

Perez: Yes.

Hines: Okay.

Perez: Just the -- yes.

Hines: And at some point then, did you report your force?

Perez: Yes.

Hines: And who did you report it to?

Perez: I believe it was Sergeant [redacted]

Hines: Did you do that independently or did you do that as a group?

Perez: I don't remem -- I remember -- I remember telling her -- I don't remember who was around.

Hines: Okay.

Perez: I don't recall.

Hines: And is it fair to say that the force that you reported was after you learned that the suspect was alleging that he was struck and possibly had injuries?

Perez: It was after Sergeant [redacted] had talked to us and -- and mentioned something to us to that effect.

Hines: So it was after you had learned that --

Perez: Yes, yes.

Schwab: He's not saying it's because you learned that --

Perez: Right, okay.

Schwab: -- but just in terms of the sequence of events.

Hines: We were kind of talking over one another, so it's fair to say then that you reported your force after you learned that the suspect is alleging that he was struck and injured?

Perez: Yes.

Hines: In your report, you did not document the fact of who you reported your force to. Why is that?

Perez: No specific reason. I just -- I should have documented it, but I didn't. That was --

Hines: An oversight on your part?

Perez: -- an oversight on my part.

Hines: Okay. And the force incidents you've been involved in in the past, you include the supervisor that you report your force to?

Perez: Correct.

Hines: Okay. Sergeant Morejon.

Morejon: From the time you came around the corner of the house and you saw the suspect on the ground --

Perez: Okay.

Morejon: -- that's the first time you see him, correct?

Perez: Correct.

Morejon: You don't see how he gets on the ground?

Perez: No.

Morejon: From that time that you see him on the ground to the time he's handcuffed, stood up, and walked out of there, how much time do you think elapsed?

Perez: From the time -- I'm sorry, from the time he -- I saw him there and the time he stood up --

Morejon: Yes. As soon as you walk around that corner, you see him on the ground and this whole struggle takes place, handcuffed, stood up, and starts to walk out, how long?

Perez: I'd say approximately a few minutes, couple minutes, few minutes.

Hines: Two minutes? Five minutes? Ten minutes?

Schwab: Well it probably felt like 10 minutes in the struggle.

Perez: Yeah.

Schwab: That's how --

Perez: Maybe a couple minutes.

Morejon: Okay.

Hines: A couple meaning two?

Perez: Two.

Hines: Okay.

Morejon: Did you ask him about the flashlight, if he saw that?

Hines: No, we haven't talked about the flashlight.

Morejon: I didn't know if you had or not.

Hines: After you had the suspect handcuffed, he was at some point stood up. Is that correct?

Perez: Yes.

Hines: What happened then?

Perez: I had walked away by then. I don't -- I don't recall what happened after that.

Hines: So once the suspect is stood up, you left the area?

Perez: I believe I started walking away.

Hines: Did you see Deputy --

Schwab: [redacted]

Hines: -- [redacted] strike the suspect at all?

Perez: No.

Hines: You did not?

Perez: I don't -- I don't recall him striking him or seeing him.

Hines: Even seeing him at the scene?

Perez: Later on, but not -- I don't recall, it was dark. I don't recall seeing him there at that time.

Hines: At what point in this evening did you discover that Deputy [redacted] used his flashlight on the suspect?

Perez: I believe it was sometime at the station or later on.

Hines: And how did you -- how did you learn it?

Perez: Just when the supps were being written and -- the Supplemental Reports were being written.

Hines: Okay, I want to make sure I'm clear on this. After the suspect is handcuffed, tell me what happened at that point on, your actions and what you saw.

Perez: After he was handcuffed.

Hines: Yes.

Perez: My report, that's what -- what happened at that point. That -- after that, I remember walking back to the car. There was cars all over the place. I was just trying to -- my flashlight was in the street. I'm just -- I was trying to pick up stuff and I just started heading back towards --

Hines: Well let me ask you this, once the suspect was handcuffed, did you have anything to do with picking him up?

Perez: I don't remem -- I don't recall picking him up. I don't -- I don't remember picking him up. I don't recall.

Hines: Then is it fair to say that you walked away while the suspect was still on the ground?

Perez: He was -- I don't recall. I don't recall if he was in the act of standing up as I started walking away or if he was still on the ground after he was handcuffed and I started walking away. I don't recall exactly at what point.

Hines: And when you walked away, where was [redacted]

Perez: I -- I don't recall. I don't remember -- like I said, it was dark. I don't remember seeing him at that point, so I don't recall.

Hines: All right. Sergeant Morejon.

Morejon: Well you're the last one being interviewed, so I'm going to ask you. It might be a little bit of a speculation, but I'm going to ask you your thought.

Perez: Okay.

Morejon: One might ask, here's a pursuit, a use of force, five experienced deputy sheriffs out in the field, and all five deputy sheriffs, after using force, have a lapse in judgment. Can you explain your part? I mean one might ask, here's five different individuals and all five decide or have a lapse in judgment and don't report the force. Any explanation for that?

Perez: I can't talk for everybody else and it's just myself, you know. I had a lapse in judgment. I really can't speak for everybody else, what they were thinking or -- or what was going through their head.

Morejon: Did you ever talk to any of them about your use of force or their use of force, what force you witnessed? 'Cause you witnessed other deputies using force, right?

Perez: Just from -- yeah, from what I wrote, right.

Morejon: Well, right, you witnessed other deputy sheriffs using force?

Perez: Right, right.

Morejon: Did you ever talk to them or ask them, "Are you reporting your force? I'm going to report the force I saw you use"? Any of that?

Perez: Oh, I -- I told them, you know, "We did nothing wrong. I'm going to report the force that I used, what I saw."

Morejon: Right. But that was after the fact. I'm talking about there at the scene.

Perez: At the scene? No.

Morejon: All right.

Hines: And you would agree that you had an ample number of opportunities to report your force?

Perez: Yes.

Hines: One last thing; the suspect's version of this is that he came around the corner, he couldn't get over the fence, so he turned around and basically gave up and put himself on the ground and did not struggle at all. How would you respond to that?

Perez: Well I came after that point, but he was -- he was already 245 one of our deputies and that's ridiculous after leading us on a 20-minute pursuit. He was doing whatever he could to get away.

Hines: All right. That's all the questions that we have. Is there anything that we haven't asked you that you feel is important for us to know in this investigation?

Perez: No.

Hines: Okay. With that, we'll go off the record. It is 1237 hours.

SUBJECT INTERVIEW

IAB CASE NUMBER IV2101944

SERGEANT [redacted]
Pico Rivera Station
Field Operations Region III

Sergeant [redacted] was interviewed at the Internal Affairs Bureau on January 18, 2005, at 1348 hours by Sergeants William Hines and Elier Morejon. Also present during the interview was Marlyne Rinaldi from the Professional Peace Officers Association. The interview was tape recorded and transcribed as follows:

Hines: Today's date is January the 18th, 2005. The time now is 1348 hours. I'm Sergeant Bill Hines, with me is my partner Sergeant Elier Morejon. We are from the Internal Affairs Bureau. We are currently in interview room C. We are about to interview Sergeant [redacted] on I.A.B. case number IV2101944. And [redacted] just for the record, give us your full name, spell your last name and then give us your employee number please.

[redacted] [redacted]

Hines: Okay.

[redacted] [redacted]

Hines: Before we went on the record did you have an opportunity to read over and sign the Subject Administrative Rights Admonition?

[redacted] Yes.

Hines: Did you have any questions regarding that form?

[redacted] No.

Hines: Okay. (Inaudible). Up here we need you to check yes and yes.

[redacted] Do I have a copy of it, like a book?

Hines: No, it's in the manual, or I mean it's in the computer.

[redacted] Oh.

Hines: All right, thank you. What is your current assignment?

[redacted] Pico Rivera Station.

Hines: And you're assigned to patrol, administration?

[redacted] Patrol.

Hines: Patrol, okay. And what was your assignment on October the 10th, 2003?

[redacted] I was 150Sam.

Hines: You know I just noticed something else on here that you need to initial. At the bottom; you're ordered not to discuss anything that we talk to you today about in this interview with anybody else, except for either your Attorney or your Representative. You need to initial that. And you understand that?

[redacted] Uh huh.

Rinaldi: She can't wait to go home and share it with everybody.

Hines: Do you recall on that date an incident where Deputies were in a vehicle pursuit and then a foot pursuit?

[redacted] Yes.

Hines: And you responded to the termination of that pursuit, is that correct?

[redacted] Yes.

Hines: Do you recall our interview on that date? I think our interview was actually the next day, October the 11th, 2003. Do you recall that?

[redacted] Yes.

Hines: And yesterday, January 12th, 2004, I gave you a transcript of that interview, along with a copy of the audio tape and transcript of your interview with I.C.I.B. and a copy of that audio as well. Is that correct?

[redacted] No, you gave it to me, yesterday that's true, yesterday. But wasn't yesterday the 17th?

Hines: What did I say?

[redacted] The 12th.

Hines: Okay, I'm sorry, January 12th —

Morejon: 17th.

Hines: Wait, 17th.

Morejon: He gave it to you on the 17th, is that correct?

Hines: 17th. You did get a copy of it?

[redacted] Yes.

Hines: Have you had an opportunity to review the transcripts and audio tape?

[redacted] Just the transcript. I didn't go through the whole tape.

Hines: From what you reviewed, is there any corrections that you need to make or clarifications?

[redacted] Nothing that I think really matters.

Hines: I'm going to go over two areas today. As I said before we went on the tape, one involving the Deputies actions and the statements that they gave you that night. I don't want to go over everything that you've already told us about. You already gave us a complete detailed statement on October 11th, 2003. We just want to clarify some of the issues that night of what the Deputies told you. Now, on page 15 of your transcript, and I'm probably going to jump around a little bit, but on page 15, you heard the Lieutenant say in this briefing room, the debriefing, "Do we have any force?" is that correct?

[redacted] I mean, are you saying verbatim or do you mean in general?

Hines: In general. From your first interview you said about the fifth line down, "And then the Lieutenant asked do we have, do we have any force?" and you heard him say that, something to that effect?

[redacted] Yes.

Hines: And then a little while later, since nobody responded to him, you say, "He asked again, 'Do we have any force to be reported?'" you recall that? So it's clear that that night, in that debriefing regarding the pursuit, that the Lieutenant asked these guys, essentially he's asking them, "Was there any force used?"

[redacted] Correct.

Hines: Okay. Do you recall that night, when you talked to Deputy [redacted] did he ever tell you anything about that he had panicked and that's why he didn't report force to you?

[redacted] I don't remember that being, you know, specifically. I know I spoke with him and I know what the gist of it was, but ...

Hines: But as far as "panic" seems like a pretty, a word that would stand out. You don't recall him ever using that as an excuse as to why he didn't report his force to you, do you?

[redacted] No.

Hines: I'm trying to determine when Canfield arrived.

[redacted] Arrived?

Hines: Thank you, at the termination of the pursuit, Canfield isn't one of the first three or four deputies to arrive, but at some point in your interview, you say you see Canfield. Make it clearer for me when you did see him during this, during the first part of this incident, in other words around when the pursuit ended.

[redacted] I had to see Canfield just in the field, in the area. I didn't see him near where I saw the deputies bringing the suspect out.

Hines: When you were walking towards the area, you said in your first interview that you looked down the street and they're already bringing him, they're walking him out towards the street. Is Canfield now up, do you pass Canfield as you're walking towards where the deputies are with the suspect?

[redacted] I don't remember passing Canfield.

Hines: At what, that's what I'm trying to pinpoint. At what point do you see Canfield?

Rinaldi Like where is he physically?

Hines: Yes.

Rinaldi: In relation to the suspect?

Hines: Yes.

[redacted] Right now I can't remember where I saw Canfield.

Rinaldi: You just know he was there at some point. After the termination?

[redacted] Yes.

Hines: I apologize to the transcriber, I did not say for the tape that you have your Representative here. Will you identify yourself for purposes of the tape?

Rinaldi: Marlyne Rinaldi, R-I-N-A-L-D-I, P.P.O.A.

Hines: I'm sorry. Let's go off tape a second. I want to see what I recall from your —.

Hines: We're back on the record. Short pause, we were looking at, on page six of Sergeant [redacted] first interview and I asked her on page six it says how about, I ask her how about Canfield and she says, "I remember seeing him out there," and now I want to ask you as you sit here today, you do not recall seeing Canfield out there or you remember seeing him, but you just don't remember where he was?

[redacted] I don't remember where he was.

Hines: And do you recall if you had any conversation with Canfield at all?

[redacted] I don't, I didn't have any conversation with him. I don't remember talking to him.

Hines: I want to establish a time line and the sequence of what occurred out there that night. Obviously there's a pursuit and then there's a foot pursuit. Would you agree to that?

[redacted] Yes.

Hines: You arrive at the termination of this pursuit and you ask these guys if they're okay and they all say that they're okay. Is that correct?

[redacted] Yes.

Hines: You say you spoke to Deputy Callahan first, is that correct?

[redacted] Yes.

Hines: When you spoke to him, was he alone or was he standing in a group with everybody around?

[redacted] No, I spoke with him alone.

Hines: And you said you recalled him saying to you —

Rinaldi: What page are you on?

Hines: Three. At the bottom of the page you say, "Then I, I ask him was there force used? What happened?" Do you see that?

[redacted] Yes.

Hines: So he said, "The guy put his hands up on his head and went down to his knees. They grabbed him there, you know, they went to the grass and then they handcuffed him and brought him out." You recall him telling you that, is that correct?

[redacted] Yes.

Hines: And that's Callahan and he's by himself and where are the other deputies at that time, if you recall?

[redacted] People were just all over the place.

Hines: And you're sure that he told you that? Is there any doubt in your mind about that statement?

[redacted] No.

Hines: Now on page five, we ask, my partner asks, "So in your mind was that force?" because they tell you, sorry, I'm going to have to go back to page four. My partner asks, "So Callahan tells you he doesn't actually say that he used force right. He says that he just tells you in the manner that they arrested him, he tells you that the suspect tries to get over the wall," and you said, "Uh huh," which is the affirmative, and then the suspect put his hands behind his back and he goes down to his knees. Then on to page five, "Was that force?", "Well in my mind I thought it could have been, you know kind of like a take down because they got control of him," but do you recall, you recall that they told you that the grass was wet. Is that correct?

[redacted] Yes.

Hines: And you went over and you checked the grass and it was wet?

[redacted] Yes.

Hines: And you felt it made sense that they just fell to the ground, is that correct?

[redacted] Yes.

Hines: So at this point, after you talked to Callahan, you have no reason to believe that force has been used. Is that correct?

[redacted] Yes.

Hines: Now, when you talked to the other deputies, now on page six, and again what I'm trying to do is establish that the deputies did in fact, did tell you a story. They didn't, or they did give you an explanation. They just didn't say, "I didn't use force." It wasn't like, "Did you use force?" and they said, "No." You asked them what happened and they actually tell you a story as to what happened. The guy surrenders, or puts his hands up, he puts them behind his neck, his head or whatever they told you. What's ever established in your interview so far. Correct?

[redacted] Yes.

Hines: Because obviously you know they're saying now that they don't remember telling you any of this.

[redacted] I don't know that.

Hines: What... when you talked to Morris and his partner, did you talk to them together or individually?

[redacted] I believe they were together.

Hines: And they tell you virtually the same thing?

[redacted] Yes.

Hines: Is there any doubt in your mind about what they told you that night?

[redacted] No.

Hines: When you talked to [redacted] that night, still at the scene, he did not tell you anything about a flashlight strike?

[redacted] No.

Hines: Did he tell you anything that he did?

[redacted] No.

Hines: Did you ask him?

[redacted] No.

Hines: Why didn't you ask him if he used force?

[redacted] Because the only one I saw with, coming out with the suspect was Callahan. I asked him first, I asked him who was with him and he told me it was Morris.

Hines: So on page seven now, we're trying to establish here, "I asked Callahan, Morris and Perez," and you said you asked them again how it went, "And again they told me," but you say you didn't specifically ask them, "Well did you use force?" and you didn't, is that correct?

[redacted] Correct.

Hines: And you didn't do that why?

[redacted] Because... Why didn't I ask them?

Hines: Specifically, "Did you use force?"

[redacted] Because they already told me what happened.

Hines: You later get to the station and they do a debriefing. The Lieutenant does a briefing, a debriefing and the Lieutenant says something to the effect about reporting force. We've already established that, correct?

[redacted] Yes.

Hines: And nobody says anything? Then at that point you and the Lieutenant leave and, I'm still working on the time line, the deputies stay in that debriefing room or briefing room and you guys go talk to the suspect?

[redacted] Yes.

Hines: At that point, when you go and talk to the suspect, I understand the Lieutenant is talking to him. Do you know why the Lieutenant or you didn't interview him on video tape or an audio tape?

[redacted] I can guess.

Hines: Okay.

[redacted] Because no force was reported. We didn't think we had force.

Hines: All right. What was the reason to go and talk to him then?

[redacted] I don't know. The Lieutenant just walked in there and when I saw him walk in there I trailed behind him.

Hines: Did you get the sense that the Lieutenant didn't believe these guys and he wanted to go talk to the suspect to see what actually his story was and possibly force was used?

[redacted] Again, an opinion, that could have been a possibility. Maybe he just wanted to talk to him.

Hines: What was your opinion? At that point as you sat there that night, you were at the scene and these guys say, they're in this debriefing, that they didn't use any force. What was your feeling at that point?

[redacted] Well my feeling changed. Initially I thought everything was reasonable. What they had explained to me, what I had seen, when I had gone and talked to people. So my feeling is everything that they said was reasonable. Then the Lieutenant conducted his debriefing and he asked about force and when he asks about force, some heads went down. That was the first time a little thing, you know, lit up, that maybe, something else here.

Hines: So when you left the briefing room and you're following the Lieutenant, is it fair to say then you're thinking these guys probably, might, it's possible they used force and they're not reporting it? So now we're going to go get the, hear what the suspect has to say?

[redacted] It's possible.

Rinaldi: Can I ask a question?

Hines: Yes.

Rinaldi: When the Lieutenant left to go talk to the suspect, did he say anything to you like, "We're going to go find out, we're going to go interview him," or did you just, he just left?

[redacted] No, just walked out.

Rinaldi: He didn't say anything to you why you were going?

[redacted] No, I was, if you know Pico Station it's really, really small. So say here's the little debriefing room and here's the Watch Sergeant's office. It's a matter of you know three steps and you're in the next door. I was coming out just to walk in to the Watch Sergeant's office. I had to start you know paperwork and stuff I had to do, but I saw the Lieutenant go in here, which is the jail, which is just a couple steps from there too. He walked in. When I saw him walk in there, "Oh he's going to talk to him." So I just walked in as well.

Hines: All right, so you and the Lieutenant, you follow the Lieutenant in and he talks to the suspect and at this point what the suspect says, he's now saying that he was hit and struck and punched and kicked, I believe and the Lieutenant has him raise his shirt and you see the three, the three marks on his chest. Is that correct?

[redacted] Yeah, two or three.

Hines: Did, do you recall the suspect at that point, this is the first time you guys go in, does he say anything about flashlight strikes?

[redacted] I don't know if he said flashlight. I don't, I don't remember if he said that or not.

Hines: Because we didn't, I don't think we asked you that in your first interview about what the suspect said, because I think we said well the, we'll just —

Morejon: He doesn't, because when they step out, when [redacted] and her step out, [redacted] tells her, "Those look like flashlight strikes to me," and then you say, "Yeah, I agree with you." Right?

[redacted] Yes.

Hines: All right, so you guys go in there and you talk to the suspect. Now he's alleging that he, there was some force used on him. Okay. Now, and we'll get to a lot of this a little bit later, but again I'm just working on a time line here. You go back, the Lieutenant stays there, you go back and you have a conversation with the deputies. The deputies are still in the briefing room, is that correct?

[redacted] Yes.

Hines: You tell them what you tell them and then you leave and you don't know what they do. You assume, you're pretty sure that they go outside and a little bit later they re-

contact you. Somebody re-contacts you, one person?

[redacted] One.

Hines: And that's [redacted]

[redacted] That's where I wasn't sure if it was him or Callahan.

Hines: Right, you weren't sure which one it was, but at least one deputy approaches you and says, "Now we have force to report."

[redacted] He just says, "Can we talk to you?"

Hines: "Can we talk to you?" And you obviously say yes and then where do you talk to them?

[redacted] In the briefing room.

Hines: So now they all come in and now the group of you are in the briefing room and now they're reporting their force and you take your notebook and you write down what each person says?

[redacted] Yes.

Hines: Is there any discussion at that point about flashlight strikes?

[redacted] I believe [redacted] said that he hit him with a flashlight."

Hines: That's the way I understand it and the reason that [redacted] hits the guy with a flashlight is because he's not submitting to being handcuffed, is that correct?

[redacted] I don't know why he would —

Hines: Well, I believe you say, on page twenty-one, at the bottom, "And [redacted] told me that he had jabbed the guy with a flashlight. He said those marks, you know are probably from me, because I don't know if I used that term, but he you know jabbed the guy with a flashlight and then I said you know I want the sequence of events, who caught up to him, who was where and who was whatever." Do you see that?

[redacted] Yes.

Hines: And you agree with that?

[redacted] Yes.

Hines: And then the next page, I ask, "And did he say or did you ask him why he jabbed the suspect with the flashlight?" and you say, "I did ask him, but I don't know the sequence. I know when I asked them, you know, one guy said he was here and here and what they did," but later on, now on page twenty-three, I ask, "You couldn't get control of his hands, so then he jabbed him with a flashlight," and you say, "So he jabbed him with a flashlight and the other guy said that they had punched him like in the side of the ribs to get him to give up his hands. So that's when I went through okay, who was on the right side, who was on the right arm." So at that point is it your understanding that the only reason that [redacted] jabbed the guy, hit the guy with his flashlight, is because the guy isn't complying with being handcuffed. He's not giving up his hands?

[redacted] Yes.

Hines: You haven't said anything to [redacted] at this point that the guy is alleging that he was handcuffed when he was hit, because you don't know this yet. Is that correct?

[redacted] Correct.

Hines: Because you don't know that until after these guys report their force, now you have a force investigation that you have to conduct, you get your video and go interview the guy. Is that correct?

[redacted] Yes.

Hines: So up to this point [redacted] has admitted that he struck the guy with a flashlight, however he only struck him because the guy was not submitting to being handcuffed?

[redacted] Yes.

Hines: Still working on the time line. Now, these guys start writing their reports, I'm going to assume. You get your camera, you go and talk to the guy. Now he tells you that this happened, this happened, this happened and he adds on to the fact that when he was struck with the flashlight, it was when he was handcuffed, correct?

[redacted] Correct.

Hines: And now you go to the Lieutenant and you say, "We've got another problem."

[redacted] Yes.

Hines: The suspect is now alleging that he was struck while he was handcuffed with a flashlight?

[redacted] I'm sorry?

Hines: Struck with a flashlight while he was handcuffed?

[redacted] Yes.

Hines: Now, let's try to finish up this time line, the Lieutenant, does he give you direction now go back and talk to these guys again?

[redacted] He tells me to go back and talk to [redacted]

Hines: Just [redacted] Now, where do you talk to [redacted]

[redacted] I talk to him just in the hallway. It was just he and I and then he says, "Can I talk to you outside?" I said, "Sure." I was just going to talk to him anyway, we just stepped right to the back door and talked right there.

Hines: And what do you say? What does he say?

[redacted] I tell him what the guy alleged.

Hines: Help me here.

Rinaldi: And what did he say?

[redacted] Okay, let's get to that point.

Hines: Okay, it's on the page of twenty-six, I'm sorry. This is where he says, "Yeah, I could have hit you know after he was handcuffed," and then you say, and then I ask you, I could have, you say, "Yeah, he doesn't ever —." I'm asking you, "Does he ever leave it that way or does he finally say yeah I hit him?" and you say, "He says I hit him, he says I hit him and I just said you know okay, then you know well —." you see what you said there. So that's the sequence so far that this thing goes down, is that correct?

[redacted] Yes.

Hines: So now he's told you that yes he's hit him with a flashlight while he was handcuffed. Does he tell you why at that point?

[redacted] The only thing he said was you know this guy 245'd him.

Hines: Does he say it's because he 245'd him earlier in the, during the pursuit?

[redacted] That's what started this.

Hines: Did you get the sense then that, excuse me, but did he give that as an explanation as to why he jabbed him with the flashlight while he was handcuffed?

[redacted] No, I think he was just like "wound up."

Hines: Well that's what I'm trying to determine here. I mean he finally tells you that he hits the guy with his flashlight while he's handcuffed. Did you determine at that point why he did that? Did you ask him, "Why did you hit the guy when he's, with a flashlight, while he's handcuffed?" after he admits to you that that's what he's done?

[redacted] No, I didn't ask him.

Hines: And why not?

[redacted] Because only he knows why he did it.

Hines: Well, I know, but didn't you want to know why as the Supervisor?

[redacted] I guess I had my assumptions.

Hines: What was your assumptions?

[redacted] That he was wound up, because he had been involved in a 245 with this guy.

Hines: Did he ever say that? Did he say, "Sarge, I hit the guy while he was handcuffed because I was wound up, because the guy 245'd me with his vehicle and I hit him and I made a mistake."? Did he ever say anything, something like that to you?

[redacted] Specifically, right now, I couldn't remember exactly what he said.

Hines: I'm not asking for exactly. Did anything remotely similar to that?

[redacted] Yes.

Hines: He did. What do you recall, not word for word exactly, what do you recall that he said?

[redacted] That he was, that this guy 245'd him and he was, I'm using my terms, wound up.

Hines: He didn't say wound up?

[redacted] No.

Hines: But he did say that the guy 245'd him? You have to say yes or no.

[redacted] I'm sorry, yes.

Hines: All right. And it was your interpretation that then was the reason that he hit the guy while he was handcuffed?

[redacted] All en... yeah, all encompassing.

Hines: At this point you go back to the Lieutenant and say, "Here's the problem now. [redacted] says that he did hit the guy while he was handcuffed with his flashlight," is that correct?

[redacted] Yes.

Hines: At this point is it fair to say you're kind of out of the picture, out of the investigation?

[redacted] Yes.

Hines: Sergeant Morejon, do you have any questions up to this point, before I move on?

Morejon: What are you going to move on with?

Hines: I'm going to move on to her (unintelligible).

Morejon: (Unintelligible) later or now.

Rinaldi: While you're reading can I ask her a question?

Hines: Sure.

Rinaldi: The Sergeant had asked you a couple of times did you ask them specifically, "Did you use force?" Is it your understanding that when someone, after someone explains what happened in their words, that you're required to say, "And did you use force?"?

[redacted] No.

Rinaldi: Did you have any reason to believe that they wouldn't tell you the complete story?

[redacted] No.

Rinaldi: When the Lieutenant went in to talk to the suspect the first time, did he take a camera or video with him?

[redacted] No.

Morejon: All right, we'll ask these now. Did any of the deputies involved, at any time ever tell you that the suspect turned around, turned towards them and took a combative stance?

[redacted] No.

Rinaldi: You have to speak up a little.

Morejon: That's no?
[redacted] No.

Morejon: Now again, we're talking at any time while you were in the field, back at the station, at the debriefing, at any time, did any deputy ever tell you that or did you ever hear anyone saying that the suspect took a combative stance towards any of the deputies?

[redacted] The only time that could have been would have been when they were reporting their force to me, but specifically I don't remember that.

Morejon: You don't remember them saying that? Now we don't want you guessing. I mean if you don't —

[redacted] Yeah, I don't want to guess.

Morejon: Right.

[redacted] This is, I mean you interviewed me fourteen months ago.

Morejon: Right, well —

[redacted] And then I'm trying to remember something like it was —

Morejon: This is nothing, we didn't ask you these questions before, because we didn't know that this occurred. These are questions that are arising from the deputies interviews. So don't think that we're trying to trick you from you know the other interview.

Rinaldi: You don't recall that being told to you at any point?

[redacted] Right now, no.

Morejon: Did Deputy [redacted] ever tell you that the reason that he struck the suspect with his flashlight was because the suspect attempted or tried to head-butt Deputy Morris?

[redacted] I don't remember that, I don't remember anything about a head-butt.

Morejon: The suspect, when he was in the field, the first time, I want to get this straight, just so I can have a picture in my mind as to what happened, you know where everybody was. When you first saw the suspect, when you first saw him, I think from your prior interview you said that he was walking down the street. Is that correct, or was he coming from that side yard of the house? Where was it when you first saw him?

[redacted] It was probably like the sidewalk area.

Morejon: Of? In front of the house or?

[redacted] No, it was even further. I would say even further down.

Morejon: Closer to you?

[redacted] Closer east —

Morejon: Closer to his car?

[redacted] Closer, yes.

Morejon: To his car, where he left his car?

[redacted] Yes.

Morejon: How far away from the house was that? You know from where he eventually got caught?

[redacted] Maybe one or two houses.

Morejon: So he was coming towards you already?

[redacted] Yes.

Morejon: Your direction?

[redacted] Correct.

Morejon: Now you said also that at this time now there's a bunch of deputies there, because most of the deputies came from the other direction?

[redacted] Yes.

Morejon: Right, they started arriving from the other direction. So in your mind, you had, if force was used, you really had no idea if or who would have used it? The only reason you focused on Morris and Canfield —

Hines: Callahan.

Morejon: Or I'm sorry, Morris and Callahan, is because they were the ones that had a hold of the suspect?

[redacted] Yes.

Morejon: But it could have been other deputies there that you had no idea about? Is that right?

[redacted] Yes.

Morejon: Okay. When you saw that suspect coming down the sidewalk, how close did you get to him at any point there?

[redacted] Maybe three or four houses.

Morejon: And where was he taking that, or where did you go that you didn't get any closer to him?

[redacted] He was taken to a radio car that was parked out front.

Morejon: In front, okay. So he was not taken to a radio car that was at the end of the corner where his car was?

[redacted] No.

Morejon: Or your car?

[redacted] Correct.

Morejon: So there was other cars in between that?

[redacted] Yes.

Morejon: He was put in somebody's car?

[redacted] Yes.

Morejon: And prior to you getting to him?

[redacted] Yes.

Morejon: Later on you say that at some point you go and see him in the car, correct? How long is that, how much time passes before you go to the car and see him?

[redacted] Minutes.

Morejon: And the reason you go to see him is why?

[redacted] Just to check on him, like I checked on everybody else. Talk to him.

Morejon: At that point did you have any concerns or any idea that anyone used force?

[redacted] No.

Morejon: So, we don't want to go in to that?

Hines: Right.

Morejon: Okay. You were, this was PM shift, correct? That it occurred on?

[redacted] Yes.

Morejon: You're normally early mornings?

[redacted] Yes.

Morejon: You were normally an early morning's Sergeant, correct?

[redacted] Yes.

Morejon: Lieutenant [redacted] that you were working with that night, had you worked with him a lot before?

[redacted] I had worked with him in the past at Pico Station, just for the few months that I was

there.

Morejon: At, so he was your Lieutenant on earlies or?

[redacted] See the schedules are weird there. They're not straight, typical Department schedules. They overlap. So PM shift works until one o'clock in the morning.

Morejon: Okay.

[redacted] The Lieutenant schedule, they work until two o'clock in the morning.

Morejon: What I'm trying to get to here is do you know if it's normal or is it a practice of Lieutenant [redacted] that when an incident such as a pursuit, a foot pursuit, vehicle, use of force, any of that occurs in the field, is it normal for him to bring the deputies involved in to the station and talk to them in a briefing room? Does he do that, if you know?

[redacted] I don't know.

Morejon: So this is the first time that that has occurred with you as a Sergeant?

[redacted] Yes.

Morejon: Do you know of any other Lieutenants that do that there at that station?

[redacted] That was the only one we had at the time.

Morejon: Since you've been there?

[redacted] Yes.

Morejon: Had you been involved in a foot pursuit, a vehicle pursuit before at that station?

[redacted] No.

Morejon: Did Deputy Morris ever tell you that the suspect tried to head-butt him?

[redacted] Again, initially when we were out in the field, no.

Morejon: Okay.

Hines: Later?

[redacted] Later, I know I wrote in my notes what they told me they had done and I don't remember specifically what they said had happened, that's why they did what they did.

Morejon: You don't, even at this point, you don't remember anything about a head-butt? Anybody trying to head-butt anybody?

[redacted] No.

Hines: Just want to make sure ... All right, that's probably all the questions we have regarding clearing up what the deputies told you. This next phase is going to be talking about your actions. Would you like to take a break or anything before we do that?

[redacted] Sure.

Hines: With that we'll go off the record. It is 1428 hours.

Hines: This is Sergeant Hines. We're back on the record. It's 1439 hours. We just took a short break. Sergeant Morejon has some follow-up questions.

Morejon: Sergeant, we've provided you with copies of your notebook notes that you took that day, when you interviewed or you spoke to the deputies regarding the use of force. Is that correct?

[redacted] Yes.

Morejon: What I'd like for you to do is just read your notes and whatever refreshes your memory, just tell us if you can deputy by deputy, what they told you, what kind of force they told you they used that night.

[redacted] Well written here on my notes, I have Callahan said he had the suspect's right arm and punched him, two punches to the right, rib area. Morris had his left arm and also two punches or punched him twice. [redacted] said he... and I wrote, jabbed him twice. Canfield said he handcuffed him and Perez, I put left rib area.

Morejon: I'm sorry, Canfield you said what?

[redacted] Handcuffed him.

Morejon: Okay. And the last one was?

[redacted] Perez.

Morejon: He said what?

[redacted] I wrote left rib area.

Morejon: Do you remember what that means?

[redacted] I'm assuming he hit him in that area, but I didn't write it down.

Morejon: With what or how many times?

[redacted] I didn't write it down.

Morejon: These notes here were taken when? At what point in this time line?

[redacted] These were taken when I was called back in to the briefing room.

Morejon: When you were called in there by the Deputies?

[redacted] Yes.

Morejon: After they did whatever they did, they had said they wanted to talk to you, correct?

[redacted] Yes, correct.

Hines: This would be after the, she came in after, after you told them that the suspect is alleging that he's been hit?

[redacted] Correct.

Morejon: Right.

Hines: And let's establish this at this point, no deputies reported any force until they were given the information that the suspect is alleging that force was used, is that correct?

[redacted] Yes.

Morejon: Now, I'll kind of back track to my prior questions. By looking at your notes or anything that you have there on your notes, is there anywhere there that would refresh your memory or something, bring up the fact that [redacted] said he hit the suspect with his flashlight because he tried to head-butt Deputy Morris?

[redacted] No, I don't have anything in my notes.

Morejon: Anything on your notes there that any deputy at all talked about or told you that the suspect ever took a combative stance towards him?

[redacted] Nothing in my notes.

Hines: All right, let me have those back. Are you familiar with the use of force reporting policy?

[redacted] Yes.

Hines: Would you like to review it?

[redacted] Yes.

Hines: You want us to go off the record while you're reviewing that or?

[redacted] Sure.

Hines: Okay. We'll go off the record. It's 1443 hours.

Hines: Sergeant Hines, we're back on the record. It's 1445 hours. Sergeant [redacted] had an opportunity to look over the policy on use of force reporting, did you not? Is that correct?

[redacted] Yes.

Hines: Have you been involved in any uses of force before, as a Deputy and as a Sergeant?

[redacted] Yes.

Hines: Some of these things I might have already asked you, but I may, out of necessity have to ask you a second time, but it will be quick. On page three of your interview, I asked you, you said you spoke to Callahan first and I already asked you alone or in a group and you said you had spoken to him alone. Is that correct?

[redacted] Yes.

Hines: On page four, when Callahan is explaining to you and they said they grabbed him there, now those are your words, "They grabbed him." I want to know, did you think that could have been force when they said the word grabbed?

[redacted] Where are you referring.

Hines: Top of page four. They "grabbed him" there.

[redacted] What was the question?

Hines: The question is when you hear Callahan telling you about what they did and in your own words you say they grabbed him, did you think at that point that possibly force had been used? Were you clear at that point?

[redacted] If force had been used at the time?

Hines: Right.

[redacted] I didn't believe force had been used.

Hines: Even though they had to grab him? I'm only concerned about the word grab. When I hear the term "grabbed," I'm thinking that means the guy isn't cooperating, I've got to grab him to do, to make him do what I want him to do. Did you also think that? Was it clear in your mind to even though he says they grabbed the guy, it was clear to you that they didn't, that that word didn't mean force?

[redacted] I used that term, but semantically, I mean if I just took hold of somebody, you know if I went like this, I might describe it as grabbing him and in essence I'm just taking you know hold of them, putting their hands behind their back.

Hines: So you felt you didn't need to ask more questions at that point to get a clear understanding of what they did?

[redacted] No, because he gave me a run down of what they did.

Hines: Now on page five, you said you thought it could have been a take down and control, because they got control of him. When you thought it was a take down, did you think that possibly was force?

[redacted] If they had taken him down, yes, but the way he described it to me is that when they you know got his arms, that they fell on the wet grass.

Rinaldi: Verses a take down.

[redacted] Verses physically — Yes, taking him down.

Hines: So it was clear in your mind then, you didn't feel, you didn't ask, need to ask anymore questions because you felt when they, this take down was because of the wet grass?

[redacted] Yes.

Hines: I'll ask you this again, why didn't you specifically ask each one individually if they used force on this guy?

[redacted] I didn't know who was involved in this initially. Other than Callahan told me he and Morris caught up to him.

Hines: As a supervisor are you, should you have known who was involved by asking questions?

[redacted] Yes.

Hines: Did you do that?

[redacted] Yes.

Hines: Did you find out who was involved?

[redacted] Callahan and Morris.

Hines: Well, there was five people involved.

[redacted] That was, at that time I didn't know that.

Hines: So you did or did not ask at that point who was involved?

[redacted] I asked them, I just know initially I believed it was the two that had caught up to him.

Rinaldi: So no one else came forward?

[redacted] No.

Hines: Well, but I'm asking her did you —

Morejon: Hold on. Alright.

Hines: But I'm asking you did you, something to the effect, "Okay, who was involved here?" and asked, once you determined who was involved, ask each one specifically and individually if they used force?

[redacted] No I didn't.

Hines: And why not?

[redacted] When I was told there was no force used ... right now, I didn't feel it was necessary.

Hines: Did you feel that you had complete control of that situation?

[redacted] Of?

Hines: The termination of that pursuit and everything that was going on, as the Field Supervisor did you feel you had complete control of what was going on?

[redacted] When that pursuit terminated, it was said and done.

Hines: But the situation that followed, the aftermath, the chaos that went on, as you, I think you kind of described earlier in your first interview, there was a lot of stuff going on. Did you feel you had complete control of that situation?

[redacted] Yes.

Hines: On page six, I've already asked you this, so strike that. I'm trying to determine when Canfield was there and again you couldn't, can't recall. On page seven of your interview, my partner is asking you, "Now who told you then and again the same thing, was it just one guy talking or kind of all of them," and you said, "Just kind of all of them." When you say that, "Just kind of all of them." Who exactly are you talking about?

[redacted] I'd have to go back and read through this, because jumping around I have no idea of where you're at.

Hines: Well, if you look up a little bit, you have, I had Callahan, Morris and Perez.

[redacted] Uh huh.

Hines: Which by the way, the one thing we didn't ask you about and I just now came to my mind, is Perez. Where did you see Perez in all of this?

[redacted] He wasn't, when I initially talked to Callahan and then subsequently Morris, Perez wasn't there. I talked to Perez when I talked to these three together, it was already when I was about to leave.

Hines: Well these three is Callahan, Morris and Perez?

[redacted] Yes.

Hines: Say that again then. I missed something.

[redacted] When I talked to Callahan initially and then I also talked to Morris, but not Perez, he

wasn't right there, but when I, I didn't see him, but when we were getting in the car is when I saw Perez.

Hines: I think in your first interview you said you did talk with Morris and Perez together.

[redacted] I did.

Hines: On page six, at the top of page six, "I talked to Deputy Morris and his partner Deputy Perez.", "Perez?", "Yes.", "And what, did you talk to them together?", "Yes."

[redacted] Yes, I did talk to them together.

Hines: Well, just a few seconds ago you said you didn't talk to them together. You said you talked to Morris and not Deputy Perez.

[redacted] I talked to Callahan.

Hines: Okay.

[redacted] And he told me Morris and then when I talked to, later when we were going to leave is when I had Morris, Perez and Callahan, all three there.

Hines: Well, based on your first interview it sounds like you talked to Callahan, because you said, "I talked to Callahan alone," and then you said that again today. In your first interview and then today, and then in your first interview we ask you, "Did you talk to anybody else before you left the scene, before coming to the station?" and you said, "Yes." We asked you, "Who was that?" and you said, "I talked to Deputy Morris and his partner Deputy Perez," and you said you talked to them together.

[redacted] That's correct.

Hines: Okay. And they virtually told you the same thing?

[redacted] Yes.

Hines: So, why now are you, am I missing something again? I don't know. Just now you said, "I only talked to Morris and not Perez." Didn't she say that just a few seconds ago?

Rinaldi: At first, but she said she had talked to him before she left.

[redacted] I'm sorry.

Rinaldi: Are you saying she talked to him twice?

Hines: I don't know.

Rinaldi: Did you talked to Perez twice?

[redacted] No, I talked to him once when I was about to leave.

Morejon: You talked to Morris twice?

[redacted] Morris and Perez were together.

Rinaldi: So you talked to Morris and then Morris and Perez together?

[redacted] I talked to, now, I talked to them together before I left. That's when I talked to them together, because I know where we were.

Hines: Let's be specific. You talked, when you get there you talk to Callahan?

[redacted] Initially I talked to Callahan and he tells me that he and Morris caught up to the guy.

Hines: Okay.

[redacted] He's the one that gives me that statement.

Hines: Now, do you go to Morris and talk to him by himself?

[redacted] No.

Hines: Okay.

[redacted] I talked to Morris by himself.

Hines: You never talked to Morris by himself?

[redacted] I don't remember talking to Morris by himself. I remember talking to him and Perez before we left.

Hines: I think just a few seconds earlier that's what I was asking you, did you talk to Morris and you said, "I only talked to Morris by himself, not Perez." Unless I'm —

Morejon: What is it that you remember doing?

Hines: Yeah.

Morejon: I mean that's the bottom line, what do you remember?

[redacted] Before I left, because I went back to my car, Perez was there, he came, in his car, pulled up or he was there and he and Morris were there near my car and that's when I asked them again if force had been used, "Tell me what happened," if force had been used.

Morejon: And this is you're in your car, in the driver's seat and they're in their car?

[redacted] No, no. Out, standing outside, but near the cars, towards the end of the street.

Morejon: You were near your car, but they were in their car?

[redacted] They were, well they were out of their car.

Morejon: So they pulled up and got out of their car?

[redacted] They were out. I don't know if they pulled up or whatever, but they were out. We were standing there in the street at the corner.

Morejon: At the corner. Where the suspect T.C.'d?

[redacted] Yes.

Hines: And you didn't see Perez in this mix when they came out from down the street?

[redacted] No, I don't remember seeing Perez.

Hines: You don't? Do you remember seeing [redacted]

[redacted] See, there was so many. I mean I remember seeing all of the deputies, but right now, specifically I can't tell you who I saw —

Morejon: How many deputies would you say were there?

[redacted] At the end of that, oh.

Morejon: When you finally started walking up and you see the suspect, how many deputies are there?

Rinaldi: At the scene you mean?

Morejon: Yeah.

[redacted] I don't know, probably five, six, seven.

Morejon: The whole station? How many people do you have on the shift?

[redacted] Probably, plus there was reserves. So there was even more people working that night.

Rinaldi: There was a ride-along too I think.

[redacted] And then from, there was ride-alongs, so.

Hines: All right, so I'll go back to my original question. You didn't, just so I'm clear then, you didn't see Perez, you didn't know Perez was involved in arresting this guy?

[redacted] Callahan told me he was.

Hines: When did he tell you that?

[redacted] When I talked to him.

Hines: All right, so Callahan told you everybody that was involved?

[redacted] He told me he and Morris are the ones that got, arrested the guy.

Hines: Okay. And what did he tell you about Perez?

[redacted] I don't remember him telling me anything about Perez.

Hines: But he told you Perez was there?

[redacted] I think all this came after everything was —

Rinaldi: Is there a dispute, like who's there and who wasn't there?

Hines: There's not a dispute. I'm trying to figure out in what order that, you know, she talked to everybody and who she talked to.

Rinaldi: Well, I mean she's pretty much I think maybe confused on when exactly she saw Perez or that, but I think it's pretty clear who she talked to, what they told her, which is the whole issue. Is... they told her this story, true or not true, whatever it turns out and then there's a briefing. So I don't know, was this the first pursuit you handled as a Deputy or a Sergeant?

[redacted] Yes.

Hines: Back to page seven, just kind of all of them and I said, and I'm trying to ask who. So

I still need to try to figure out who all of them is, if you remember.

[redacted] Where is that? Oh right here.

Hines: Almost at the bottom of page seven.

[redacted] I'm trying to start where we're at. Okay.

Hines: Who is all of them?

[redacted] It's Callahan, Morris and Perez.

Hines: And you don't recall about Perez, okay, never mind. All right, page eleven, Sergeant Lawrence told you that the suspect had a bloody nose and you do not see the bloody nose. Is that correct?

[redacted] No, I didn't notice it when I talked to the suspect.

Hines: Did you ask him if his nose was bleeding? Even though you didn't see the bloody nose, you know sometimes people might have a bloody nose, they're sniffing and you don't actually see the blood, but they might still have a bloody nose. Did you ask him if he had a bloody nose?

[redacted] I don't think so.

Hines: Do you remember asking him?

[redacted] I don't remember asking him.

Hines: Okay.

Morejon: Hold on, before you leave there, did you talk to him, had you already talked to that suspect before Lawrence told you that? Because you went and talked to him or saw him before, correct?

[redacted] While he was in the car?

Morejon: Right, and when you talked to him the first time, did you see a bloody nose?

[redacted] No.

Morejon: Okay.

Hines: Well I'm not sure who, did Lawrence talk to the suspect first or did you talk to the

suspect first?

[redacted] I think he might have.

Hines: So she talked, he talked, Lawrence talked to the suspect first?

Morejon: Right, but —

Hines: Before she had.

Morejon: I understand, but when you went and saw the suspect the first time, or when you went and saw him —

Hines: Keep in mind, that's after Lawrence has talked to him.

Morejon: Correct. When you went and saw the suspect, did you, when you went there to look at him or to talk to him, did you know in your mind or did, had Bobby Lawrence told you already about the bloody nose?

[redacted] No.

Morejon: No, he had not, okay. So you go talk to him and he tells you whatever he tells you. Then you continue doing your thing and then later on you and Lawrence get together and that's when Lawrence tells you, "Hey, he has a bloody nose," correct? You never go, do you ever go back to see that suspect again to check to see if he does have a bloody nose or not?

[redacted] I don't know if I, I don't know if I go back to him.

Morejon: Okay.

[redacted] Because when he mentioned it, we were still right there.

Hines: Well let's go to the top of page eleven and we ask you did you examine the suspect out in the field. You said, "He's in the radio car and I you know cracked the window and looked at him and you know ask him how he was. I didn't notice Sergeant Lawrence was out there and said that he had a bloody nose. I didn't see it." So that, if I'm interpreting that correctly, you'd already talked to Bobby Lawrence before you looked at the suspect for the very first time, is that a misinterpretation on my part?

[redacted] I know it was all right there at the same time. I don't know if I looked at the guy first and then talked to Lawrence or if I talked to Lawrence and then looked at the guy. Is that what you're trying to establish?

Hines: Right, was Lawrence standing right there when you looked at the suspect?

[redacted] I know he was right there. I don't know if he was standing right there you know right next to me or anything, but I mean we were right there near the car. Near the radio car he was sitting in.

Hines: Did you ever ask the suspect if his nose was bleeding?

[redacted] No.

Hines: Okay. Did you ask the suspect if he hit his nose on the steering wheel?

[redacted] I don't know if I asked him that.

Hines: Did you ask him if his nose was hurt?

[redacted] No.

Hines: Did you specifically ask him if he was injured or had any complaint of pain?

[redacted] I'm sure I asked him if he was okay, but I don't know if I, I didn't word anything like that.

Hines: Now you did ask him if he was okay and he did say that he was hit, but you said he didn't elaborate. That's on page eleven. Do you see that?

[redacted] Yes.

Hines: Did you ask him, at that point, what happened when he said that he was hit?

[redacted] I'm sorry?

Hines: Did you ask him, when he says he got hit, did you ask him what happened? "How did you get hit?"

[redacted] I don't think I did.

Hines: Why not?

[redacted] Because that wasn't the, you know, even if I was going to interview him, that really wasn't the time and place to interview him.

Hines: I'm not talking about an interview, I'm just, did you ask him a quick, why didn't you ask him just a quick, "Okay, what happened?" You know, not an interview, but I

know you don't have your tape with you or your video, but you know, "What happened. Just the standard what happened." Why didn't you do that?

[redacted] Well I talked to him and when I asked him if he was okay and that stuff, but he was so, proper term for being, again, wound up, that they don't want to talk to you. You know.

Hines: Well did he refuse to talk to you?

[redacted] No, he just said, "Yeah, I'm okay," that kind of thing.

Hines: But he did tell you he was hit? The specific question is once he told you he was hit, why didn't you follow up at that point right there and kind of get just a quick, "Okay, how did you get hit? Was it the steering wheel? Was it a Deputy?" You know what happened," why didn't you? Is there a reason why you didn't do that?

[redacted] No reason specifically.

Hines: Okay.

Morejon: In your mind, how did you take that when he said he got hit?

[redacted] In my mind I took it that any time somebody gets taken in to custody you know their interpretation is always, even if somebody just put their hands behind their back and put them in handcuffs, you know, "Oh yeah, you know I got messed up," or whatever. Whatever term that they use. I just took it as that. I didn't take it as somebody had, you know, really struck him.

Morejon: You didn't take it as that the deputies used force on him?

[redacted] No.

Morejon: Okay.

Hines: Then you didn't have any concern when he said he was hit? Is that a fair statement or?

[redacted] Yeah, I didn't have any concern at the time, because I was looking at him. I mean I was talking to him and physically I didn't see anything on him that would lead me to believe that he suffered an injury.

Morejon: Did you ever tell Lawrence, "Hey, where do you see this bloody nose? I don't see any blood."?

[redacted] I don't know.

Morejon: I mean...

[redacted] Honestly, I don't know if I told him that or asked him that.

Morejon: Okay.

Rinaldi: So the suspect didn't say, "Hey —." they slammed me on the ground, they jumped him, they did this or that?

[redacted] No.

Rinaldi: Was he dirty?

[redacted] He had some grass on him.

Rinaldi: Just grass?

[redacted] Stains.

Hines: So Lawrence did tell you that he saw blood on the suspect?

[redacted] Yes.

Hines: You do recall that?

[redacted] Yes.

Hines: At that point, because another Sergeant has told you that he's seen blood on the suspect, did you feel at that point you had any obligation at all to get this guy to the hospital to get him checked out?

[redacted] I would, by all means. If I thought he had a serious injury that needed, required immediate medical attention, by all means, but I was talking to him and I was physically looking at him and I didn't see anything that looked like it required immediate medical attention. I would have called the Paramedics to come out. I wouldn't have waited for us to transport him.

Rinaldi: Did he have blood on his face?

[redacted] Huh?

Rinaldi: Did he have blood coming out of his nose?

[redacted] That's what I didn't notice, that he had blood coming out.

Hines: But another Sergeant has told you that he's seen blood?

[redacted] Uh huh.

Rinaldi: Did that other Sergeant call for medical help?

Hines: I don't know. Who's doing the interview?

Rinaldi: I'm just curious, sorry. It's the heat in here.

Hines: Let me ask you, since she brought it up, who was the Field Sergeant in charge of that group of deputies right there?

[redacted] The group?

Hines: Yes. All those deputies that were involved in this, who was the Field Sergeant in charge of them? Supervising them?

[redacted] I was in charge of three of them.

Hines: Only three?

[redacted] Well, because the other two don't work for me.

Hines: On page twelve, you said in the middle of the page, "And then everybody just started clearing out." You see that? And then everybody just started clearing out. It's in the middle, that middle paragraph. And we were all going to come back to the station. It's the very last line. You see that?

[redacted] Yes.

Hines: My question is, did you tell everybody to do that? Did you tell them that, "Let's get out of here," or did they just disappear on their own? Did they just start clearing out on their own?

[redacted] Everybody started leaving. People that weren't involved or weren't right there.

Hines: Did you give them —

[redacted] (Unintelligible).

Hines: Did you give them any direction?

[redacted] Oh I'm sure I said, "Let's," you know, "Let's get out of here."

Hines: So they cleared out, not because they just cleared out on their own, you directed them to clear out?

[redacted] Yes.

Hines: That's because you're in charge?

[redacted] Yes.

Hines: Did you feel at that point you had all the information that you needed regarding this incident, as far as witnesses identified, names of deputies that were present who might have witnessed the incident, before you told everybody to clear out?

[redacted] I had, I had enough information, but I went a step further and I spoke to some neighbors.

Hines: At that point, I know on our first interview you said there was a lot of deputies there. At that point had you identified any other possible deputy witnesses?

[redacted] No.

Hines: But you said other deputies were there? As you sit here today do you know who they were?

[redacted] No.

Hines: Okay.

[redacted] I mean I could pull the in service and I could tell you everybody that was working that day.

Hines: Well, were any of these deputies... did you feel were possible witnesses to this incident?

[redacted] I think they all got there after I did.

Hines: All right, on page thirteen, you talked to the Watch Commander. In the middle of the page, "I told him how he was arrested."

[redacted] Okay.

Hines: "He went down to the ground, so they handcuffed him." When you talked to him in

the field, did you tell him at that point that the suspect told you that he was hit?

[redacted] Did I tell the Watch Commander over the phone?

Hines: Yes.

[redacted] The suspect had said he was hit? I don't know if I did or not.

Hines: Well, was that something that you feel would be important, that you would remember if you would tell him that or not?

[redacted] It would be, yeah it would be important. I just, like I said, in my mind I still thought that I didn't have any force.

Hines: Well I know, but the suspect is alleging that he was hit. Did you tell the Watch Commander that the suspect, "Nobody's reporting force, but the suspect's alleging he was hit."?

[redacted] I don't know if I told him that or not. I mean I really don't.

Hines: Could you have told him and you don't remember?

[redacted] I could have.

Hines: But the best of your recollection, you don't remember telling him that?

[redacted] I don't remember.

Hines: You don't remember telling him? Or you don't remember?

[redacted] I don't remember if I told him that or not.

Hines: Do you think that would be something that you would tell him?

[redacted] Yes.

Hines: Okay.

[redacted] Because I know I told him about the blood.

Hines: Okay.

[redacted] I'd seen it on the steering wheel.

Hines: Let me ask you this, once you got back to the station, did you tell the Watch Commander then that the suspect said that he was hit?

[redacted] That's, I went straight in to talk to him about the suspect and the whole incident, but before we could even have a conversation he told me, "Let's go, we're doing the debriefing right now, because a lot of guys are coming in and asking me about the way he managed the pursuit."

Hines: But, so you did not tell him at that point that the suspect told you that he was hit?

[redacted] I, like I said, I couldn't tell you if I told him that specifically or not, no.

Hines: I think you've already answered this. Once you're at the station, did you go and try to interview the suspect to elaborate on the hit statement? Finding out you know, you said out in the field you didn't really have time to interview him. So when you got to the station, did you immediately try to interview the suspect to find out about this statement that he was hit?

[redacted] I wanted to, but I didn't.

Hines: And why not?

[redacted] Because we went straight to a debriefing.

Hines: And you didn't squeeze in there real quick, "Hey, Lieutenant, the suspect told me he was hit."? You didn't have time to do that?

[redacted] I, really I didn't have time. But I don't know if I did or if I didn't.

Hines: Okay. On page sixteen, I think that we asked you about that when you guys go and talk and you've already talked about this. You didn't, when you first go and talk to the guy, you don't tape him or video tape him, that's correct?

[redacted] That's correct.

Hines: And you don't know why, or do you know why?

[redacted] The Lieutenant just walked in there to talk to him.

Hines: On page seventeen, you say the guy alleges that he was kicked in the face, scrape or something, but we couldn't see any evidence of that. Is that correct? That's down here.

[redacted] What was the question?

Hines: Well, when you're talking to this guy, you don't, he alleges that, he says somebody kicked him and punched him, kicked him in the face. But you said you couldn't see any evidence of that.

[redacted] Correct.

Hines: At that point, in your mind, is he alleging, is he alleging force?

[redacted] Oh yes.

Hines: And he's complaining of pain?

[redacted] Okay.

Hines: Would you agree with that as it relates to our force policy?

[redacted] Yes.

Hines: Okay.

Rinaldi: That's two questions. Did he complain of pain or did he just say they you know...

[redacted] They just said they hit him. I thought that was inferred.

Hines: Right, I mean if they hit him in the face, was he saying he wasn't hurt?

Rinaldi: Did he ask for medical help? I mean if somebody's hurt they go, "I'm hurting. My face hurts, my body hurts," something hurts. Not, "They kicked me," or, "They hurt me."

Hines: Marlyne, just so you're clear on our policy, if somebody alleges that they were hit —

Rinaldi: Oh I understand the policy.

Hines: — we're obligated to go get them medical attention at that point.

Rinaldi: Oh I understand that, but that wasn't your question to her, was did he complain of pain. No, he said he was kicked. He wasn't complaining about pain.

Hines: Anything else you'd like to add?

Rinaldi: No, I just want it clear.

Hines: Would you agree that he alleged force was used at that point?

[redacted] Yes.

Hines: Would you agree that he, that from what he tells you about getting kicked and punched, that he's alleging that he has a complaint of pain? Even though he specifically didn't say, "Hey, I'm hurting." Would you agree with that?

[redacted] Yes.

Hines: Do you know why the Lieutenant didn't request an investigation at this point? Again I'm asking —

[redacted] Well are you asking me his —

Hines: Right.

[redacted] — opinion, I mean.

Hines: No, I'm not asking you his opinion. Did he say anything? Well, I mean, well I know he said stuff. But did he explain to you at that point, was there any talk about a force investigation or not reporting force or criminal misconduct or anything at this point? Was there ever any discussions then?

[redacted] No, he just told —

Hines: Do you have any questions up to this point?

Morejon: No, I'm going to ask them later.

Hines: Okay. All right, page eighteen. At the very top and your answer to well, you're explaining what happens next. After this, and just remember we saw the marks on his chest. You've seen marks on his chest, so you guys step out. The Lieutenant says something to the effect of, you know, "Looks like a flashlight. And I said, 'You know, I agree with that,.'" and then starting with, "And he said —," are you following?

[redacted] No.

Hines: About half way down. "And he said, I want you to go back to those guys —."

[redacted] Here we go, okay.

Hines: "I want you to go back to those guys and tell them what, that you see some you know visible injuries on him and you want to know how those happened and if they have to report any force. And so I did as I was instructed." You follow that?

[redacted] Yes.

Hines: And then you say, "And so I did as I was instructed. They were all still in the briefing room. I told them what I saw and I told them what my direction from the Lieutenant was and I said, 'So you guys need to, you know, you need to think about whatever you need to tell me and come back to me,' and they said, 'Okay,' and I walked out." My question is, why didn't you have them tell you at that point if force was used?

[redacted] Why didn't I stay there and —

Hines: Right, the Lieutenant told you to go in, tell these guys that there's visible injuries and I assumed that you did that, and you want to know how those happened and if they have any force, have to report any force. But you go in, so you, and you say, "So you guys need to, you need to think about whatever you need to tell me and come back to me." Why didn't you right then, individually take these guys out one at a time or I don't care, even collectively, demand, tell them, you need to know about force? Why did you let them go outside and discuss it? Why did you tell them to go outside and discuss it?

[redacted] I didn't tell them to go outside and discuss it.

Hines: Okay, "You need to think about whatever you need to tell me and come back to me," okay, why did you say that?

[redacted] Because that's what they needed to do.

Morejon: Let me ask you, maybe that statement there, what did you mean by that? What did you mean, "So you guys need to, you know, you need to think about whatever you need to tell me and come back to me." What did you mean by that?

[redacted] I meant that, they said they didn't use force, suspect said he, they did use force. You guys want to say what happened, you know tell me what happened.

Morejon: And I guess that leads to, so in your mind at that point, in your mind did you now think that these deputies used force or you still kind of leaning one way or the other? Do you think the suspect's still lying? Because you said earlier, remember you said when he said he got hit originally, you said that they always say that?

[redacted] Uh huh.

Morejon: In your mind right now, which way are you going? Do you —

[redacted] No, now I know force was used.

Morejon: In your mind force was used?

[redacted] I believe force was used.

Morejon: And that's due to what?

[redacted] The injuries I saw on the suspect.

Morejon: So, I guess now that leads to my partner's question is, you explained that, okay, I got this, I got the suspect saying this. You guys are saying this, you need to tell me what happened, but the last you know five words here you tell them, "And come back to me." So I guess that's where he's trying to get to, is why would you tell them come back to me? Why wouldn't you just say what you did, "Here's what I've got guys, suspect's alleging this, got injuries. You're alleging no force." Tell me, why would you allow them to come back to you?

[redacted] I just stepped out. I didn't mean anything by that one way or another. Just that you know you use force, admit to it and I stepped out right to the Watch Sergeant's office, right where it was three steps away.

Hines: But why didn't you sit down right then and bring your notebook out and say, "Callahan, what... you know, did you use any force? And if you did, what force did you use?" "Perez, what force did you use? If you used any, what is it?"? Pin them down right then. You know what this appears as don't you? I mean you tell these guys, "You need to come back to me." What this appears on the surface, you now give these guys an opportunity to leave, because you say, "Come back to me." And now it looks like you're telling them as a Supervisor, "You guys need to go out somewhere and get your story together and come back and tell me once you've got your story together." And that's exactly what they did.

[redacted] Yeah, and —

Hines: And your supervisors want to know why did you do that? Why didn't you take control right then and make these guys tell you what force they used?

[redacted] I gave them a second to collect themselves. That's all. Individually.

Hines: Time to collect themselves?

[redacted] Well they didn't report it initially. They didn't report it after the Lieutenant asked them. They didn't report the several times that I asked them. The Lieutenant told me, "Go in there, tell them what you have and see if they have something to report." So that's what I did.

Hines: Well, no you didn't. He told you to go in and find out if these guys have anything to report. He didn't tell you to go in, tell these guys to get back to you. You know when I read what you said, the Lieutenant's telling you, "Go ask these guys now, do they have any force to report?" And you didn't. You're giving them, you're giving them an opportunity, anybody who reads this, to, you're giving them opportunity to leave and get a story together is what it appears as.

[redacted] Well, that wasn't my intent.

Hines: Well what was your intent? When you tell them to come back to you, what was your intent?

[redacted] For them to report the force that they used.

Hines: But why later, instead of right now?

[redacted] There's no reason for later as opposed to right now. There wasn't, I didn't, I didn't think that to be anything other than just a report.

Rinaldi: Did you consider that that was, by doing that, that they would go out and collectively make up a story?

[redacted] I didn't think that at all.

Hines: Do you have anything else on that point?

Morejon: They were gone for thirty to thirty five minutes before they came back to you, correct?

[redacted] Yes.

Morejon: And that's when they told you the first time now they alleged force? Or they copped to using some kind of force?

[redacted] Yes.

Hines: Did you ever go outside the station and talk to the deputies when they were out there?

[redacted] No.

Hines: Callahan said that you did, you actually went out and talked to them on a few occasions. What is your response to that statement?

[redacted] That I talked to them on a few occasions?

Hines: While they're out in the parking lot discussing this force incident, Callahan says you came out to the parking lot on a few occasions while they're out there.

[redacted] I didn't have any reason to go outside.

Hines: So, you didn't, is that a no?

[redacted] I'm sorry, no.

Hines: No you did not go out to the parking lot at any time and talk to these guys while they're talking as a group?

[redacted] No.

Hines: I was going to go over real briefly the I.C.I.B. interview, however I don't, I think we've pretty much hashed that out. Sergeant Morejon?

Morejon: All my other questions or just?

Hines: Yes, anything.

Rinaldi: Are you going to be more than fifteen minutes?

Morejon: Maybe. You running out of tapes?

Rinaldi: No, I have to make a phone call and change an appointment.

Morejon: Just let us know when.

Rinaldi: I am.

Hines: We may have to get another tape also so.

Rinaldi: I've got tapes. I have another appointment.

Morejon: I'm going to go back to the field real quick. Did you ever do a debriefing in the field with your deputies?

[redacted] No.

Morejon: Why not? About the pursuit and about what happened?

[redacted] I didn't.

Morejon: Do you normally do one in a big event like this?

[redacted] From then, I've learned now. But then I didn't. The Lieutenant, it was very clear, when he wanted, he put out he wanted everybody to 10-19 the station.

Morejon: I guess that's a follow up to my next question is how was it determined who was involved in that and in the pursuit and the use of you know, well at the time there was no use of force. Who, how was it determined who was going to the station?

[redacted] Anybody involved in the pursuit.

Morejon: So that's just how it was put out? Was that said by you out there to everybody?

[redacted] I might have said it as well, but I think it was put out over the radio too.

Morejon: That anyone involved in this to 10-19 the station?

[redacted] Yes.

Morejon: So in your mind, you didn't know who was going to the station? When you got there you saw whoever? Is that a fair statement?

[redacted] Yes.

Morejon: Do you know why Sergeant Lawrence came to that scene or how he ended up there?

[redacted] Because his deputies were involved in the pursuit as well.

Morejon: Do you know who, did you call him or?

[redacted] No. Maybe he just monitored it.

Morejon: Okay. Did you ever talk to Lawrence about any use of force?

[redacted] About a use of force then?

Morejon: Yeah, about the incident itself, "Hey, my Deputies didn't report any force. How about yours?", "No, mine didn't report any either." Did you talk to him about that out in the field?

[redacted] Yes.

Morejon: And did he tell you that his deputies reported any force to him?

[redacted] No.

Morejon: When you got there and you... And I'm back to the car again, and you see the suspect walking, but when you, forget the suspect, when you parked your car, when, at the terminus of that pursuit and you park your car there and you see the suspect's vehicle and a couple black and whites, correct?

[redacted] Yes.

Morejon: When you looked down the street, because you said you think everybody else got there after you. So is it fair to say that when you pull up, you see these two, two or three radio cars which would be Morris's and Callahan's, correct?

[redacted] Yes.

Morejon: When you looked down the street, do you see any other radio cars down the street?

[redacted] Initially, no.

Morejon: Okay.

[redacted] Not that I noticed.

Morejon: At what point do you notice all these radio cars?

[redacted] They just start coming up.

Morejon: They start —

[redacted] I mean it's at that same time, but I mean I, when I looked by the car, the suspect vehicle and then I come up, I look up, down the street, because I could tell where they had gone.

Morejon: Right.

[redacted] What direction they had gone. I see them coming back with the suspect.

Morejon: And when you see them coming back with the suspect, is there already radio cars at the end of the, towards that site?

[redacted] Yes.

Morejon: Okay. Again, this is something of why you didn't do, when the Lieutenant told you, "Go talk to these guys," when you think that they used, well now you know they used

force in your mind. "Hey, go talk to these guys and see what they tell you. Tell them what we know now." Did it ever occur to you or did you ever tell the Lieutenant, "Hey, why are we going to talk to these guys again? They've already reported no force."?

[redacted] Yes, we talked.

Morejon: You did, about that?

[redacted] We talked, I mean we talked during this time.

Morejon: And what, you talked about that? About, "Hey —.", these deputies, as I see it, I mean they've had a chance now in the field, you've asked them, "Did you use force?", "No we didn't." Correct? There are other Sergeants, Lawrence has asked, "Did you use force?", "No we didn't." In the station in debriefing, by the Lieutenant, "Did you use force?", "No we didn't." Now you go and contact the suspect, now after talking to him in your mind, you and the Lieutenant both believe basically these deputies are lying. We think there's force used, because of the evidence, the injuries and all this, why do you go back and talk to the deputies again?

[redacted] Because the Lieutenant asked me to.

Morejon: Okay, so you're following his orders?

[redacted] Yes.

Morejon: Did it ever occur to you or did you ever think of asking him, "Why are we going to talk to these deputies if they've already said no, that no force was used?"?

[redacted] Did it ever occur to me —

Morejon: To ask them that.

Rinaldi: To question him.

[redacted] Oh, to question him?

Morejon: Yeah.

[redacted] Yeah, I'm sure it occurred to me. But I think everybody was just trying to find out the truth of what happened.

Morejon: Right, and by going back to them and asking them now, this is what we've got, tell us the truth basically. Now they come and tell you the truth, what did you think was

going to happen then? Was it just going to be, "Okay, we're just going to write our paperwork like normal," or was this going to go to where it ended up now, in your mind? I mean if they've told you —

[redacted] At what point?

Morejon: Once you went to them, in your mind once I go to these deputies and ask them what happened, right. If they tell me the truth or if they tell me that they did use force now, in your mind what was going to happen next?

[redacted] I was going to go back and tell the Lieutenant what I found out. Just like I did.

Hines: But what did you think was going to happen regarding the deputies in this whole incident? Did you have any thoughts on that?

[redacted] What was going to happen to them regarding it?

Hines: Not the ultimate, like if they were going to get disciplined, but did you think that at that point, "Hey we've already given these guys three chances to report force and they haven't. What good is it going to do for them to tell me now that they've used force, because they've already lied to us about this." Did you think this is going to turn in to an investigation?

Rinaldi: Is that your question?

Hines: Yeah.

Rinaldi: Okay. Did you know it was going to be an investigation (unintelligible).

Hines: Not did you know, did you think it might be, did you have an opinion as to whether it might be?

[redacted] I didn't know if it was or not.

Hines: Okay.

Morejon: That's it.

Hines: Probably the last thing I have for you —.

Rinaldi: Is that yours or mine?

Hines: That's yours. Ready? Whe[redacted] tells you, you finally find out, he tells you he hit the guy, yeah he might have been handcuffed, okay, he was handcuffed, is there

a reason at that point you didn't ask him why you hit the suspect when he was handcuffed. What was your justification for hitting a handcuffed suspect?

[redacted] I didn't ask any of them why they did what they did. I mean...

Hines: Well when they're running the force past you, even when they finally admit you know okay, we've used force and I was on this side and I had, punched him on the left side or whatever they said, even at that point, did you ask them what was the justification for your force? What was the suspect doing that caused you to use this force?

[redacted] I did, they said they were struggling with him or he was fighting with them, for them to get control of him.

Hines: Okay.

Morejon: Was that also the flashlights, strikes?

[redacted] Yes. That's what I was lead to believe.

Morejon: So you were lead to believe that he hit him with a flashlight because they were struggling with the suspect, to get him handcuffed?

[redacted] Yes.

Morejon: Never about a head-butt?

[redacted] I don't remember anything about a head-butt.

Morejon: You think you would have written that down in your notes if he, if they would have told you, "The reason I hit him with a flashlight is because —

[redacted] Is because he hit me?

Morejon: No, either because he hit me with a head-butt or he attempted to hit another deputy with a head-butt?

[redacted] I didn't write any of that, you know I didn't write any of that in my notes of how he struggled.

Hines: But he's asking you something important as a head-butt, do you think you would have put that in your notes? And since you don't have it in your notes, is it fair to say that they didn't tell you that? And I'm not trying to put words in your mouth. I'm just trying to see what your thoughts are about that. You know your habits and your

note taking ability. If somebody would have told you that the suspect head-butted a deputy, do you think based on your training and experience and your note taking, would you have written that down?

[redacted] Yes.

Hines: And did you write it down?

[redacted] No.

Hines: And what is your conclusion from that? Would your conclusion be that they didn't —

[redacted] That it didn't jump out at me in order to write it down.

Hines: So it is your conclusion that they probably didn't tell you that there was a head-butt?

[redacted] Okay.

Hines: Again, I'm —

[redacted] I mean —

Hines: All right, never mind. I'm just looking for what —

Rinaldi: I guess the question, because it's pretty unusual, would it be your best guess that had they told you that, you would recall it?

[redacted] Yes.

Hines: Okay. Now, why couldn't you have said that when I asked it?

Morejon: You didn't ask it the right way.

Hines: We've only got probably about thirty seconds here.

(Unintelligible).

Hines: Well I'm going to have to go get another tape. So I just want to —

Rinaldi: I'll give you a tape. I just —

Hines: Well, with that we'll end this tape at 1537 hours and we'll go to our second tape.

Hines: Sergeant Hines again, along with my partner Sergeant Morejon. Same date, it is January 18th, 2005. The time now is 1541 hours. We are continuing with a second tape with [redacted] continuing our investigation under I.A.B. file number 2101944. Sergeant Morejon had a follow up question.

Morejon: When you finally went outside and talked to [redacted] about how you asked them if he had ever hit the suspect while he was handcuffed and he says, "Yeah, I could have hit him while he was handcuffed," and then at some point later he tells you that he wants to go speak to the Watch Commander. Is that correct?

[redacted] Yes.

Hines: Well let's clarify, did you specifically ask him, "Did you hit the suspect while he was handcuffed?"? Or did you say, "The suspect is alleging that he was handcuffed and he was hit," and [redacted] volunteers that it could have been him. Is that more of what happened?

[redacted] That's more of what happened.

Hines: Okay.

Morejon: Sorry. He asked to speak to the Watch Commander, is that correct?

[redacted] Yes.

Morejon: Do you know why he wanted to talk to the Watch Commander?

[redacted] No.

Morejon: Did you ask him, "What do you need to talk to the Watch Commander about?"?

[redacted] No.

Morejon: Do you know if he ever did?

[redacted] I know he went in and attempted to.

Morejon: And at no time did you ever figure out or have any idea why he wanted to do that?

[redacted] He wanted to talk to him about the incident.

Morejon: So something else besides what he told you? Or you don't have any idea?

[redacted] No, I think it would be the same.

Rinaldi: Did the Lieutenant tell you what it was?

[redacted] When I went and talked to, after I talked to [redacted] I went and told the Lieutenant what he had said and I told him that he said, "He wants to speak with you." And then the Lieutenant said, "Okay." And I guess he went.

Rinaldi: But you don't know what the conversation was? You weren't told?

[redacted] The one thing I was told is that, by the Lieutenant, was that when [redacted] comes and wants to explain to him his actions, he told him to stop and not to tell him.

Hines: I want to go back, unfortunately, to the area where they're in the briefing room and you go back in there. When the Lieutenant tells you, he wants you to go in and see if these guys have any force to report, when you say, "You need to tell me and come back to me." What was your, what was your goal, what was your purpose, what did you think the deputies were going to do at that point? Why is it that you needed them to, I guess have an opportunity to leave, because you say, "And come back to me." What was your, what was your goal in doing that?

[redacted] My goal in asking them if they were going to report force?

Hines: No. When you say, "You need to think about whatever you need to tell me and come back to me." Again, I keep going back to that. Instead of getting the information right then and there, which I feel that's what the Lieutenant wanted you to do, because these guys have already had all this opportunity to report it, you in turn are giving them another opportunity to report the force and they still haven't done it, but now you tell them, "You need to think about whatever you need to tell me and come back to me." Why, what was your goal? Why did you do that? What was the purpose of doing that?

[redacted] My purpose was just to get them to report. Find out the truth of what happened out there. For them to tell me and the Lieutenant what happened out there.

Hines: Do you think that if you would have stayed there and basically said, "Okay, right now you need to tell me what happened." Do you think you wouldn't have got the truth?

[redacted] If I would have stayed there?

Hines: Right.

[redacted] No, I didn't think that one way or another.

Hines: Well, you just said in your explanation that you wanted to give them an opportunity to tell you the truth. Why did they have to basically leave, to tell you the truth? I'm

not following your reasoning and I need —

[redacted] I didn't think they had to leave. I just wanted them to tell me the truth or tell me what happened.

Hines: Let me ask you this, as you sit here today and you reflect on this, do you think that was the best way to handle this situation?

[redacted] Oh, we could always improve.

Hines: Well, I know we can always improve. I'm asking you specifically as you sit here today would you do that again?

[redacted] No.

Morejon: What would you do different?

[redacted] I'd go off my statement, my first statement I get and I'd back out and, you know, I was getting directed by my Lieutenant and he knew every step, because as soon as I had any information, I went straight to him and, you know, I could have summed this up after, but since we're going there now, I mean all his years of experience, all his tenure on the Department, I was being directed by somebody who had much more experience than me with a much better background than me, experience in I.A., experience with the you know, Chief's Aide, experience in Operations. I mean, I look up to him and I respect his judgment, his tenure and whatever he was directing me to do, didn't appear to me to be unreasonable, so I did what he asked me to do.

Rinaldi: Had you ever been in a situation similar to that where you had to basically get in somebody's face and say, "Tell me the truth now," you know, kind of hard line attitude? You you ever trained, I mean, did you ever had to do it or seen it done even? Which is what they're pretty much saying is, you gave them —

[redacted] Yeah, no, I'd never been in a situation like this where you know it wasn't reported or you had to keep going back and try to get information, no.

Rinaldi: When you tell the Lieutenant on the phone that the Sergeant said that he had a bloody nose. Did he tell you to call medical or did anybody?

[redacted] No.

Morejon: Did you tell him on the phone he had a bloody nose?

[redacted] I don't know —

Morejon: I don't think you ever said that.

[redacted] I don't know that I did or not.

Hines: Yeah, where did you hear anything about a bloody nose over the phone?

Rinaldi: I thought that she told him what they other Sergeant had said about he saw blood on him or a bloody nose.

[redacted] I don't know if I mentioned that to him at all.

Hines: And I think we already established that she was the supervisor in charge out there. Nobody had to tell her to send the guy to the hospital.

Rinaldi: I understand.

Hines: Okay.

[redacted] Plus, I mean just on that note, since we're, or since we're talking here. If somebody has an injury, I have an injury like this, this is not something that we go immediately and, you know, directly from the scene to get medical treatment.

Hines: But this guy, at some point either through what Sergeant Lawrence told you, said he had a bloody nose, which actually equals out to a possible head injury. Head injuries are very specific in the policy that if a guy has a head injury, or even alleges a head injury, that he needs to get medical treatment immediately. Even if he refuses, he has to be taken to the hospital and that, I'm sure you understand that. That's in the policy. Whether, you know, that's to protect us as the Department. If the guy has a head injury, we want to get him treated as soon as possible. You were the Field Supervisor, another Sergeant tells you, "Hey, the guy's got a bloody nose." No matter how he got the bloody nose, you know as minor as it might appear, even though you didn't see blood, you know policy can be interpreted that he should have been taken to the hospital probably right from the scene, but anyway. Any other questions Sergeant Morejon? I didn't hear an audible response. Sergeant [redacted] that is all the questions that we have for you. Is there anything that we haven't asked you that you feel is important for us to know in this investigation?

[redacted] I had something else and I should have written it down when I thought of it. But hopefully this is the last time we have to meet like this, but to sum this up, everything that happened, you know, it happened at the scene, told let's get back to the station. Get back to the station, we're told we're going to this debriefing. We're told they're doing this. I'm directed to do this. Everything I did, I followed everything that I was directed to do by my supervisor. I feel through all my time on the Department, when you're out ranked and you're directed, you do as directed. So I felt I was following

protocol and I was following policy by everything in which I handled it and how I reported it. I think that's it.

Hines: Well let me ask you this, since you brought it up, then do you feel that you have any responsibility whatsoever in this whole, in the outcome of this incident?

[redacted] Any responsibility how?

Hines: Any responsibility in any of your actions, either out at the scene, when you talked to the suspect, when you got back to the station, when you talked to the deputies, do you have, do you feel that you had any responsibility, did you do everything you possibly could to prevent or to prevent what has now happened, which is an I.A.B. investigation as a result of deputies not reporting force?

[redacted] No.

Hines: You have no responsibility whatsoever?

[redacted] Oh, I have responsibility, but I don't think I could have avoided it, because they did not report force.

Hines: There was nothing else that you could have done, in your mind?

[redacted] To make them report force?

Hines: To make the outcome of this incident any different?

[redacted] I think the outcome as far as it becoming an I.A.B. investigation would have been the same. Because it wasn't reported initially and had I, like I had originally intended, once I got back to the station, to talk to the inmate there, give him a second for him to calm down, because he was all sweaty and worked up, and I was going to talk to him. Any time there's a big incident you talk to the suspect. That was my original intention. As soon as I get back I'm going to talk to him there, give him a minute to calm down. We were still close, we were a matter of yards from the station. You know maybe, maybe a hundred yards. I don't even think it was that far. I allowed myself to be side tracked when I was told we're going straight to a debriefing and that side tracked me from that. But even if I had gone initially, as soon as we got back to the station and spoken with the suspect, and then he would have, say he alleged then and I would have known the injuries and gotten more information, I don't think I could have avoided coming in to your hands as an I.A.B. investigation because it still would have been force that was not reported at that time and it would become an alleged, you know, event, which probably would have brought you guys in to it, judging because it initiated with a pursuit and ended in force. That's just my thought.

Morejon: If that would have happened, the way you wanted it I guess to happen, in that sequence, and he would have alleged force to you then, not involving the Lieutenant, what would you have done?

[redacted] If he would have alleged force then?

Morejon: Yeah.

[redacted] I would have gone straight to the Lieutenant and have, I have an alleged now, you know, how do you want to handle it? Do you want us to investigate it as an alleged or you want to call I.A.B. and have them come out?

Rinaldi: Do you feel you learned something from this experience?

[redacted] By all means.

Rinaldi: I mean in the field as well, not just here.

[redacted] By all means.

Morejon: Let me ask you something, since you're saying, it sounds like Lieutenant [redacted] in your mind, basically took over this whole process of this whole —

[redacted] Once I returned —

Morejon: From the station on.

[redacted] Even from the field.

Morejon: Okay. All right. Did he know, after he told you, "Hey, go talk to the deputies." Not [redacted] by himself, but the deputies. The first time you interviewed the suspect and you went and talked to the deputies and now you told them, "Get back to me." Okay, and it took them thirty to thirty five minutes to get back to you, was Lieutenant, did Lieutenant [redacted] know about that? Did he know that these deputies were out on their own, either talking about what they were going to say or did he know that they were given this opportunity —

[redacted] Did he know that I left them alone?

Morejon: Yes.

[redacted] Yes.

Morejon: He did know that?

[redacted] Yes.

Morejon: Did he say anything to you like, "Why are we doing this?"?

[redacted] No.

Morejon: "We shouldn't be doing this."?

[redacted] No, because that would have been another opportunity, I didn't have any bad intent there. I just was trying to find out the truth. I wasn't trying to give them time. I wasn't, nothing like that. I was just, thought they would you know in their minds say you know we're pretty stupid here, let's tell what happened. But you know there was no intent there. Had the Lieutenant said, "Wait a minute, don't —," had he said, "Go tell them and stay right there and make them give you —." I would have done that. I didn't come up with that on my own. I've learned from this that it can't happen like this. But that's how it happened that night.

Morejon: It never crossed your mind that the Deputies were going to, by giving them this chance the deputies were going to go in there and make up a story of okay, the suspect's got injuries, we've got to make something up. It was your intent or your mind, again I'm not putting words in your mouth, was it that these guys were just going to get their story straight now. They, like you said, they know they made a mistake, they lied, whatever you want to call it, now you're hoping that they come and tell you the truth?

[redacted] That's exactly what I thought.

Morejon: Okay.

Rinaldi: And you asked that question, both of you, seven different ways.

Hines: Which question is that?

Morejon: Because they're going to ask us —

Rinaldi: Did you think it was bizarre to leave them alone so they could cook up a story.

Morejon: They're going to ask us ten different ways.

Rinaldi: Some people don't think that way. She wasn't experienced in that kind of —

Morejon: Yeah, but unfortunately experience isn't, once you're in a position then you're responsible.

Rinaldi: You just have it magically?

Morejon: Yeah.

Hines: Well, I'll go back to the point in the field where the inmate, suspect tells you, "Yeah, I was hit." Do you think the outcome of this would have been any different, well, maybe it wouldn't have been any different, but do you think there would have been a different set of circumstances had you immediately reported that to the Watch Commander at that point in the field? "I'm in the field, the deputies aren't reporting any force, however, the suspect has told me he was hit. I didn't elaborate on this, but as soon as I get back to the station, we need to interview him." Would that have been a scenario that you would have liked to have seen occur? What I just said.

[redacted] Yes.

Hines: Okay.

[redacted] But hindsight's twenty, twenty.

Hines: That's what I hear.

[redacted] Fourteen months, like I said you know what happened that night and fourteen months later, you come up with all kinds of things you can always improve.

Hines: All right, is there anybody else in the room have anything to add regarding this investigation that hasn't already been discussed?

Rinaldi: I out —

Hines: All right, with that we'll go off the record. It is 1557 hours.

SUBJECT INTERVIEW (2nd Interview)

IAB CASE NUMBER IV2101944

DEPUTY ERIC CALLAHAN #[redacted]
Pico Rivera Station
Field Operations Region III

A follow-up interview with Deputy Eric Callahan was conducted at the Internal Affairs Bureau on March 2, 2005, at 1028 hours, by Sergeants William Hines and Elier Morejon. Also present during the interview were Helen Schwab and Daryl Brenneman from Green and Shinee. The interview was tape recorded and transcribed as follows:

Hines: Today's date is March 2nd, 2005. The time now is 1028 hours. I'm Sergeant Bill Hines. With me is my partner, Sergeant Elier Morejon. We're from the Internal Affairs Bureau. We are continuing our investigation on IV2101944. We are doing follow-up interviews from interviews conducted on December 9th and December 10th, 2004. We're now about to re-interview Deputy Callahan in this investigation.

And Deputy Callahan, just for the record, give us your full name, spell your last name, and give us your employee number please.

Callahan: Eric Glenn Callahan, C-a-l-l-a-h-a-n. Employee number is [redacted].

Hines: Okay. And Eric, before going on the record, did you have an opportunity to read over and sign the Subject Administrative Rights Admonition?

Callahan: Yes sir.

Hines: And did you have any questions regarding that form?

Callahan: No sir.

Hines: And you also signed one on the first interview; however, we did a second one just -- just for today's interview. All things remain the same. Also before we went on the record we showed a Channel 2 news footage video clip for you; is that correct?

Callahan: Yes, sir.

Hines: We didn't show you this videotape footage originally 'cause we had no questions about any of the sequence. But after showing it to you today, watching that, does it refresh your recollection as to what happened at that time?

Callahan: More or less.

Hines: Okay.

Morejon: Go around the room and introduce everybody.

Hines: Okay.

Morejon: You gave him that prior to the interview.

Hines: Okay. Yeah, you're right. Okay. My partner has just pointed out for purposes of the tape we'll go around the room and introduce ourselves. Again, I'm Sergeant Bill Hines, H-i-n-e-s. My partner.

Morejon: Sergeant Elier Morejon, M-o-r-e-j-o-n.

Schwab: Helen Schwab, S-c-h-w-a-b, counsel for ALADS and counsel for Deputy Callahan.

Hines: And also in the room we have.

Brenneman: Daryl Brenneman, B-r-e-n-n-e-m-a-n, also counsel for ALADS.

Hines: And he's here today only as an observer; is that correct?

Brenneman: Yes, it is.

Hines: Okay. And Deputy Callahan, also before we went on the record today, did I -- did I give you a copy of the transcription of your first interview?

Callahan: Yes, you did.

Hines: All right. After viewing this videotape, does it refresh your memory making anything any clearer than what you told us before?

Callahan: More or less it refreshes my memory.

Hines: Is there any -- is there anything different that you saw or that occurred in your mind?

Callahan: Than the videotape?

Hines: Well then -- then what you originally told us.

Callahan: No.

Hines: It appears that -- just so we're clear. We watched the video. We see the suspect run from his car. The first unit we see you've identified as yours; is that correct?

Callahan: That's correct.

Hines: And you get out. And then we see the suspect running down the street and he disappears between two houses and then we see -- we see a deputy that we've identified as Deputy Morris; is that correct?

Callahan: Correct.

Hines: And he is in a green polo shirt?

Callahan: No, he's in a green --

Hines: Is it a raid jacket?

Callahan: -- a raid jacket.

Hines: And you're in Class A uniform.

Callahan: Correct.

Hines: And you've identified yourself in the video.

Callahan: Yes, sir.

Hines: When you go down between the houses, Morris is in front of you and the suspect is in front of Morris; is that correct?

Callahan: That's correct.

Hines: And you're behind Morris.

Callahan: That's correct.

Hines: It appears at some point that your hands are -- are -- are up. Morris -- he's disappeared and the suspect has disappeared. The conclusion that I get from this is that they are -- are already on the ground. Is that what you -- do you have the same conclusion or is that different?

Callahan: I have the same conclusion.

Hines: So when you're still up -- when we see you still standing up, they are on the ground.

Callahan: At -- at -- yes, at some point they were.

Hines: All right. Well at this point let's talk a little bit about your first interview. And I believe you said, and you can refresh your memory by looking at your previous interview, that you took a hold of the suspect's left side or left hand and took him down to the ground. Is that still what you believe or recall happening?

Callahan: Yes. But, I did say that but I was corrected. It was the suspect's right side.

Schwab: So his right arm is what you're referring to?

Callahan: Correct.

Schwab: Page 20 of your transcript.

Hines: I may have made a mistake. You -- you say that you grabbed the -- his right -- his right side.

Callahan: Yes, sir.

Hines: But what I'm trying to clear up is, it looks like Morris and the suspect are already down on the ground and you're still standing up. Is it still your recollection that you assisted Morris in getting the suspect onto the ground by holding onto his right side or right hand?

Callahan: Yes, it is.

Hines: Okay. Are you giving him answers, Helen? I can just hear you -- I ask him a question and then you answer.

Schwab: No. What I was addressing was the fact that on the videotape what you're -- I understood what you were trying to get at, which is that it appeared as if Eric did not even have his hands on the suspect at that point in time.

Hines: Okay.

Schwab: And now I understand what you're trying to get at. I was just nodding in agreement with what -- understanding what you're coming from.

Hines: Okay.

Schwab: And that was in no way signaling to Deputy Callahan and -- but I do understand. I'm not sure -- Eric, did you understand where the sergeant's coming from that --

Callahan: Yes.

Schwab: -- it looked as if from the videotape, maybe the suspect was already on the ground or going to the ground with Morris before you even had your hands on him, whereas, when you previously talked about this, you had said that you had your hand, whether it was on the left or the right arm, regardless, in taking him to the ground or when he fell to the ground in some manner. So what the sergeant wants to know is, is there any change in your recollection based on what you viewed on the videotape? And --

Callahan: My recollection at that time was that I assisted him to the ground from a full standing upright position, which it appears that I did not.

Schwab: Okay.

Hines: And after viewing this, do you have -- what's your recollection after reviewing this, what occurred?

Callahan: I -- I don't -- I don't recall exactly. I don't -- I don't recall if I -- I know I assisted him to the ground. If he -- he wasn't in the complete upright position. If he was on his way towards the ground and I turned and assisted laying him down on the ground at that point. That -- that -- that would probably be my best recollection.

Hines: Okay.

Morejon: And by looking at the video, what does it appear to you now that you did? By you looking at the video and using the video and using your recollection, what does it appear -- what does it appear to you that you did that night there?

Callahan: In reference to just the video?

Morejon: The -- anything. The video, your recollection as to what happened. Use them both together. Whatever you need to use. What is it that you remember doing that night?

Hines: As you sit here right now.

Callahan: I remember moving out of the way as this suspect was going towards the ground. I assisted I believed in putting him on the ground. I... along with other deputies affected the arrest after a short struggle.

Hines: Okay. Anything else, Sergeant Morejon?

Morejon: Well, you say you believe you assisted in putting him on the ground, but the videotape, I think pretty clearly shows, at least up to the point where the suspect's on the ground, it appears that you never put your hands on him.

Callahan: In the videotape.

Morejon: In the videotape, right.

Callahan: Correct.

Schwab: Except that --

Callahan: And we're -- and we're assuming --

Morejon: (To Schwab) Hold on.

Callahan: -- that he's on the ground at that point.

Schwab: Yeah, that's the problem is that we --

Morejon: Right.

Schwab: -- can't tell whether -- they're out of view, but we don't know whether he's on the ground yet at that point.

Hines: Well we know that he's standing up and we can see him. So you have an obvious conclusion is is that Morris and the suspect are either -- they're obviously not standing up or we would see them. So the obvious conclusion is that --

Schwab: I don't think that's true.

Callahan: There's --

Schwab: They're out of view, but that doesn't mean that they're not still standing up.

Callahan: There's an overhang off -- the roof overhang and then the roof off the -- it covers over a window and there's also a long drape that hangs down in front of the window for shade.

Hines: Okay.

Callahan: So they -- as far as the video -- at the conclusion of the video, at that point they could have still been standing. But in regards to the last interview, I recalled assisting him to the ground. As far as the videotape shows, it does not show me doing that. I do not know if that's the complete --

Morejon: Videotape.

Hines: All right. At some point there it appears that your hands are up. We can see your hands and at one point it looks like you're facing the fence. What is going on there?

Callahan: I believe I was trying to reposition myself away from the suspect. The -- there was -- people were moving around. There was -- it wasn't a -- a fluid motion how he was brought to the ground. It was a -- a tight confined space that was also wet. I was moving around, possibly trying to gain my balance.

Hines: Well at that point then, when your hands are on the fence, do you recall if the suspect is on the ground or is he still standing?

Callahan: I do not recall exactly.

Hines: Do you recall where Deputy Morris was at that point?

Callahan: While my hands are on the fence?

Hines: Uh-huh.

Callahan: He would have been -- do I recall exactly? No, I can -- I can assume he would be directly behind me or behind me to my left a little.

Hines: But what I'm wanting to know is if he's down on the ground or is he kneeling or is he standing?

Callahan: I do not -- I do not recall.

Hines: So at the time that your hands are on the fence, you say you're trying to maneuver your feet, but what are you trying to maneuver your feet around?

Callahan: The suspect.

Hines: So was the suspect still -- but you don't know if the suspect is standing or on the ground?

Callahan: Or if he was in motion going towards the ground at that point.

Hines: Sergeant Morejon.

Morejon: Did you kick the suspect while he was on the ground?

Callahan: No.

Morejon: I'm going to refer back to your first report, page five of six.

Schwab: Okay. Hold on a second.

(Pause while looking for report)

Morejon: You got it?

Schwab: Nope. If you want us to refer to a report, if you tell us in advance, we'll get it out.

Morejon: We have time.

Schwab: Page what of six?

Morejon: Five of six.

Schwab: Why don't you take a moment to review the whole report, all three pages of the narrative.

Hines: For the record, Deputy Callahan is referring to his report. There will be a pause in the tape. (Approximately 69 seconds later:) I'm gonna go off the record at 1041 hours. All right. This is Sergeant Hines again. It is 1052 hours. After a short break we are back on the record. And Sergeant Morejon.

Morejon: Okay. Deputy Callahan, did you have a chance to read page five of your report--

Callahan: Yes, sir.

Morejon: -- that you wrote? Okay. Referring to page five of six about midway where it starts, "The suspect ran north." Do you see that, northbound?

Callahan: Yes.

Morejon: "The suspect ran northbound along the west side wall of the residence until he came to a locked wooden fence." And then, "I observed the suspect fall directly into the fence head first, then fall to the ground." Can you -- I just want to know where you were when you saw that in reference to this video, if you recall.

Callahan: I was on the side of the house also at that time.

Morejon: And how far back? Do you remember?

Callahan: No, sir, I don't recall exactly.

Morejon: But is it still fair to say that Deputy Morris was between you and the suspect?

Callahan: Yes, sir.

Morejon: The suspect -- and then continuing here. "The suspect attempted to pull himself up and over the fence but was unsuccessful." This is after falling -- falling to the ground; correct?

Callahan: Correct.

Morejon: And again, just the same -- just the same question, do you know where you were when he attempted to go over this fence?

Callahan: Still alongside of the house but closer in proximity to the suspect.

Morejon: Okay. Just talk a little bit louder --

Callahan: Okay.

Morejon: -- so it's easier for the transcriber please.

Callahan: Still on the side of the house, but a closer distance to the suspect.

Morejon: Okay. How far away from the suspect would you say you are now?

Callahan: I -- I don't recall exactly.

Morejon: Approximately?

Callahan: 10 -- 10, 12 feet.

Morejon: "During this time I ordered the suspect to get down on the ground." This is just a continuation. Now are you a little bit closer to him when you do this?

Callahan: Yes, sir.

Morejon: "At which time he turned towards Deputy Morris and myself with his arms elevated towards his shoulders and his hands clenched into fists." Again, where were you when he did this?

Callahan: Distance from the suspect?

Morejon: Yes.

Callahan: I don't -- I don't recall exactly.

Morejon: Approximately?

Callahan: Five feet.

Morejon: Okay. And again, is Morris still between you and the suspect?

Callahan: I don't -- I don't -- I don't recall exactly. Possibly. Yeah, he was -- yes. Yes, he was -- he was between us but he was off to the -- the side of the suspect.

Morejon: Okay. Is this -- do you see the suspect do this that you're talking about, elevate his arms towards his shoulders, hands clenched, on the videotape?

Callahan: No, I do not.

Morejon: Okay. Then you continue. "The suspect attempted to side step me and lunged towards Deputy Morris in what I believe was an attempt to strike him."

Callahan: Correct.

Morejon: Okay. Do you see that on the video?

Callahan: No, sir.

Morejon: "Deputy Morris was able to grab the suspect by his left arm and direct him towards the ground." Do you see that on the video?

Callahan: I don't believe -- I don't believe so. Well partially.

Schwab: Yeah, I just note --

Morejon: Okay.

Schwab: -- for the record that the video is quite dark in places, that the deputy and the suspect are out of view. Sergeant Hines made a comment early on that was a presumption that they were down on the ground at that point. We have no information that they were down on the ground at that point. They were simply out of view.

Morejon: And that's why I'm asking you. Did you -- did you see that on the video?

Callahan: No sir.

Morejon: Okay.

Hines: Did -- let me ask. Let me interject here.

Morejon: Okay.

Hines: When you have your hands up -- the one point of this video we can -- it's clear that we know at some point you've got your hands on the fence or up in the air. It looks like you're trying -- like you said, you're trying to get your balance or you're trying to step around the suspect. Has all of these things that my partner has just asked you, has all of that already occurred? Has the suspect already turned around?

Callahan: Yes.

Hines: Went in a combative stance, lunged towards you and Deputy Morris?

Callahan: Yes.

Hines: Okay.

Morejon: Okay. Now I'm gonna refer to your interview -- prior interview on page ten. Okay. We there? If you look towards the bottom here your -- your large paragraph here where you talk. "I can attempt to gain control of this guy." You see where I'm talking there, where it starts?

Callahan: Yes, sir.

Morejon: Okay. And then, "At which time I was able to grab his arm and with both of us" -- I assume Deputy Morris you're talking about; correct?

Callahan: Yes, sir.

Morejon: Okay. "And with both of us we were able to take him down to the ground." Okay. Can you explain a little bit more that right there in reference to where that occurred in reference to this video where you think it occurred. When did you and Morris have this guy by his arms and take him to the ground?

Callahan: I -- I believe it was right -- right after the videotape cut off. It would -- it would -- it would have to be -- to the best of my recollection, that's where -- that's where it would be at, would be right after the tape had cut off.

Morejon: Okay. So then -- so then you're saying that -- it's your understanding from looking at this video that during this -- what the video is showing, the suspect -- even though it doesn't show him, he's still standing up. Wherever's he's at he's still standing up somewhere.

Callahan: I -- I believe so, yes.

Hines: So you grabbed him after your hands were on -- you got balanced against the wall.

Callahan: If that's what I was doing was gaining balance, but afterwards, yes.

Hines: Okay. So when you first come around the corner and whatever happens with Morris and the suspect, which we can't see on the video, but we know then we see your hands up on the fence and at some point after that is when you grab the suspect's right side.

Callahan: Right arm.

Hines: Right arm. And the suspect is still standing.

Callahan: I -- I -- at that time of the first interview, that was my recollection at that time. If he was standing or if he was already going down to the ground, I do not recall, but it is possible that that was it. It was a -- a very fluid motion. Everything happened very fast and very quickly. Whether he was completely standing upright I cannot recall exactly. If he was already in motion going down to the ground as a result of what Deputy Morris had done and I assisted at that point, that -- that's possible. That -- that could explain. Well to my recollection exactly I don't -- I don't recall.

Morejon: Okay. I'm referring back to your first report again. Actually I'm referring to both. Can you just explain to me why on your first report you write that Deputy Morris was able to grab the suspect by his left arm and -- and direct him to the ground. And then on your first interview with us you said that both you and Morris grabbed the suspect's arms and directed him to the ground. Why didn't you -- why -- why the discrepancy between the two?

Schwab: Well, first of all I'm not sure there is a discrepancy because he said -- there's even a reference that Sergeant Hines makes to the report about grabbing the right arm versus the left arm. And so you're defining that as a discrepancy, but we simply don't see that as a discrepancy.

Morejon: On what report?

Schwab: Well, whatever Sergeant Hines was referring to in Deputy Callahan's interview.

Morejon: I think he -- I think he was referring to after the suspect already stood up. 'Cause Callahan says that he grabbed the suspect's left upper arm versus his right.

Schwab: All right. Well --

Morejon: And -- and -- let's forget that. Again, the question is, on page five of six of your report you say that Deputy Morris grabbed the suspect's left arm and took him to the ground, directed him towards the ground; is that correct?

Callahan: Correct.

Morejon: Okay. On page ten of your interview with us, you say that Deputy Morris and you -- and then you're able to grab his arm and with both of us we were able to take him down to the ground. I'm asking why the difference. Let's not call it discrepancy. What's the deference between the two?

Callahan: Whether or not my -- my involvement actually was a result of him going to the ground, I do not know, but I do know that I assisted him.

Morejon: With?

Callahan: By grabbing onto his right arm.

Morejon: Okay. And do you see that on the videotape?

Callahan: No sir.

Morejon: Okay.

Hines: All right. Deputy Callahan, during this incident you've already acknowledged that you used force; is that correct?

Callahan: Yes, sir.

Hines: And -- and did you witness other deputies using force?

Callahan: Yes sir.

Hines: And other deputies were present when you used force; is that correct?

Callahan: Yes, sir.

Hines: Was it your belief at the time that other deputies witnessed the force that you used?

Schwab: If you had any such belief. In other words, did you --

Callahan: Yes.

Schwab: Okay.

Hines: The answer is yes?

Callahan: Yes sir.

Hines: Okay. And we've already established that you're familiar with the Department's use of force and reporting policies; is that correct?

Callahan: Yes sir.

Hines: You've used force in the past. You've witnessed force in the past. You've reported your force in previous incidents; is that correct?

Callahan: Yes sir.

Hines: Did you report -- now you saw the suspect head-butt Morris; is that correct?

Callahan: No.

Hines: Did you see him attempt to head-butt Morris?

Callahan: What I believed to be an attempt, yes, sir.

Hines: Did you report that head-butt to Sergeant [redacted]

Callahan: No.

Schwab: Wasn't that previously asked, sergeant?

Hines: No.

Schwab: On the terms of -- under the auspices of the force report?

Hines: No.

Morejon: No.

Hines: Did you recall reporting that to her?

Callahan: I -- I do not recall.

Hines: Is it that you don't recall you might have reported it to her and just can't recall or you don't recall reporting it?

Callahan: I -- I don't recall and -- I -- I -- I don't -- I don't recall whether -- I -- I would have reported it when we did report it. I believe that it was reported to her. I just don't recall exactly -- I -- I believe that that would have --

Hines: So you may have told her but you don't remember telling her.

Callahan: Yes sir.

Hines: All right. Since your first interview we've interviewed Sergeant [redacted] a second time in connection with this incident. She maintains very clearly that you spoke with her in the field and told her that you used no force and said something to the effect, "The guy put his hands up on his head, went down to his knees, they grabbed him there and they went to the grass and then they handcuffed him and brought him out." Basically -- I'm not saying this is verbatim of what you told her, but something to that effect and that the suspect had basically given up on his own. Did you tell her that?

Callahan: No, sir.

Hines: What can you remember about what you did tell her?

Schwab: This is in the field?

Hines: Yes.

Callahan: At that time, I believe I had stated that I didn't remember telling her much of anything. I have since recalled she did ask me why the suspect had a bloody nose and I do remember telling her that he possibly hit his face on a steering wheel when the car crashed.

Hines: So just so I'm clear, you're positive that you didn't tell her that. It's not that you might have told her that and you don't remember.

Callahan: No, sir, I would -- I would definitely remember telling her that or a facsimile thereof.

Hines: All right. At any time prior to returning to the station, did you have any discussion with any other deputies about the force that was used?

Callahan: Yes, sir.

Hines: You did.

Callahan: Yes.

Hines: Okay. What was that? This is out in the field.

Callahan: I'm -- I'm sorry, sir. Could you rephrase that.

Hines: Any -- at any time prior to returning to the station, did you have any discussion with the other deputies there about the force that was used?

Callahan: Yes, sir.

Hines: Okay. And what was that discussion?

Callahan: That we needed to report our force, that an unknown amount of time had gone by, and that we needed to -- we needed to report our force. It was -- it was late and we needed to report it.

Hines: And this is before you went to that debriefing?

Callahan: No, sir.

Hines: Okay. My question is, at any time prior to returning to the station, did you have any discussion with other deputies about the force that was used?

Callahan: Prior to. Okay. I'm sorry, sir. No.

Schwab: (Inaudible).

Callahan: No, we did not.

Hines: Okay. At any time prior to returning to the station, were you aware of any discussion other deputies had about the force that was used?

Callahan: No, sir.

Hines: When you were still in the field after the suspect was in custody, did you believe that all of the force that you used or witnessed was reasonable, appropriate, and/or necessary?

Schwab: Repeat that question again.

Hines: When you were still in the field, after the suspect was in custody, did you believe that all of the force that you used or witnessed was reasonable, appropriate, and/or necessary?

Callahan: At that time I was unsure.

Hines: Why were you unsure?

Callahan: I didn't -- didn't -- I didn't -- I wasn't thinking about whether or not the force was good or not, whether it was appropriate. I know that there was nothing that was excessive. I'm -- I guess what I meant to say is I don't -- I didn't think about it at the time. I have -- I had a lot of other things that were going on and I was basically overwhelmed at that point.

Hines: Okay. Well just so it's perfectly clear then I'll just ask you again. When you were still in the field after the suspect was in custody, did you believe that all of the force that you used or witnessed was reasonable, appropriate, and/or necessary? And is your answer you had no thought?

Callahan: The force that I used? Yes. The force that I used, yes. I believe the force that I used was necessary.

Hines: Reasonable and appropriate?

Callahan: Yes sir.

Hines: Okay. The force that you witnessed, was it reasonable, appropriate, and/or necessary?

Callahan: Yes.

Hines: Helen, I'd like to ask you to stop shaking your head up and down.

Schwab: You know what, sergeant, I take exception to that.

Hines: Well, I take exception to you --

Schwab: I am not signaling the deputy. The deputy has answered every question. You said this was gonna be a 10 to 15-minute interview. It's now been 45 minutes. So --

Hines: Well first of all --

Schwab: -- you're the one that's lying to us about this case, not the other way around no.

Hines: No, first of all, you were -- you were late and we were already waiting.

Schwab: We were not late.

Hines: Yes, you were.

Schwab: And furthermore, you claim that we took you off your vacation to do this. You scheduled this on this day with our paralegal. That was your choice. I called you last week and tried to reschedule it and told you I would work with your schedule. You never returned my call and you failed to get us the prior statements until Thursday of last week, when you'd known about these re-interviews for weeks in advance. Why was that?

Hines: I got you the interview --

Schwab: And if you claim in front of these deputies that I brought you in off of your vacation, I didn't do that. You scheduled this today, so don't pull that kind of crap on me.

Hines: Are you gonna calm down?

Schwab: Yeah, we'll take a break; okay.

Morejon: Sure. It's --

Schwab: Don't ever accuse me of that in front of the deputies. I didn't pull you off your vacation.

Hines: Well --

Schwab: You scheduled that with Peggy Matson.

Hines: And she hardly ever returns phone calls.

Schwab: Well, that's a different issue.

Hines: Well --

Schwab: And if that's --

Hines: That's the only person I can talk to.

Schwab: If that's a problem --

Morejon: We'll stop the interview at 1113 hours.

Hines: All right. Back on the record. It is 1116 hours.

Deputy Callahan, I think the last question I asked you was when you were in the field did you believe that the force that you witnessed was reasonable, appropriate, and necessary. And I'm sorry, what was your answer?

Callahan: Yes, sir.

Hines: Now in your first interview you make reference to the reason that you did not report your force was because you were "overwhelmed" and you "made an error;" is that correct?

Callahan: Yes, sir.

Hines: Okay. I need you to describe this in more detail for me.

Morejon: Hold on. Something just went over.

Hines: All right. I need you -- in your first interview you said you were overwhelmed and made an error. I need you to describe in more detail being -- what you mean by being overwhelmed.

Callahan: This was my first pursuit initiated. It was a -- by today's standards, it was a lengthy pursuit. There was a lot of factors that played into the pursuit, the crashes, the assault on my partner, the foot pursuit at the conclusion of it, the force used during the struggle, the -- I was -- I was overwhelmed by not knowing everything that I had to do, from gathering witness statements. I'm usually really good at directing people what to do, but this was a -- this was a new situation to me and I -- I -- I -- I was -- I was just overwhelmed with -- initially until it -- it got sorted out, I realized that it

wasn't really as much as I thought it was. But initially I was -- I was overwhelmed. I didn't -- I didn't know what I had to do. I didn't know, notifications, witness interviews. I didn't know everything that I -- the part that I had to play. I was very unsure about how to write a pursuit -- write a pursuit report. I had never written one of those either. So I had a lot of unanswered questions that in a sense made me overwhelmed, not to the point of -- it was -- it was a -- it was more than what I was used to and I was -- I was overwhelmed at the time. That's -- that's about the way I can explain it.

Hines: And in being overwhelmed, did you -- did you choose not to report your force because you were overwhelmed or -- fill in the blank for me. Was it a conscious -- a conscious effort?

Callahan: No, sir, it wasn't. I --

Hines: But you knew you had to report your force.

Callahan: Absolutely. Absolutely. I had lost -- I -- I had -- I lost track of time, being overwhelmed, having everybody wanting answers from me that I didn't know answers to, yet, deputies wanting file numbers and who's doing this and who's doing what. I was being pulled in a -- a million different directions and basically did not -- I did not report my force while I was out there. It wasn't until I got back to the station and I was like, okay, well I have -- I have to report it. I -- I knew that.

Hines: Okay.

Callahan: But it wasn't reported out there.

Morejon: Did it -- but out there, did sergeant -- did Sergeant [redacted] ask you if you used force?

Callahan: Like I stated before, sir, I -- no, she did not. She may have said it to somebody else, but she did not -- she did not state it to me.

Hines: Did you not report your force because you were trying to protect other deputies?

Callahan: No, sir.

Hines: I believe you said -- correct me if I'm wrong -- that you didn't discuss reporting options with the others when you were still in the field; right?

Callahan: Reporting options?

Schwab: That you did or didn't discuss?

Hines: Did not.

Schwab: Did not.

Hines: That you did not discuss reporting options. In other words, there was no discussion about are we going to report this in the field.

Callahan: No, sir.

Hines: Okay. When did you know that the others had chosen not to report force, their force?

Callahan: I think I -- I assumed when we had all got called back to the station and Lieutenant [redacted] had called us in for briefing and he had asked us if there was anything that we wanted to talk about. He didn't say directly, "Did anybody use force?", but he said, "Did anybody -- is there anything you guys want to talk about," and I can reference that as he's probably asking who used force. That's probably his -- and I saw that nobody said nothing. So I'm -- my best recollection would be probably at that time I realized that nobody had said nothing.

Hines: And that's the time that you discovered that the others had chosen not to report their force.

Callahan: I don't know if that's the exact time I discovered it, but that's the time I probably -- I -- I felt that nobody else had reported either. I think it was a little time later that I had found out that nobody else had and that --

Hines: Were you ever concerned that one or more of the deputies would be reporting their force or witnessing force and that would expose your failure to report?

Callahan: No, sir, I didn't think about that.

Hines: I need you to speak up. I'm sorry.

Callahan: Okay. No, sir. I did not think about that.

Hines: That was never a concern of yours.

Callahan: No, sir.

Hines: Okay. Based on your training and experience, didn't you think that the other deputies would report their force, especially if the force was all reasonable and necessary?

Callahan: It would -- it would be fair to say that they -- that they would have, yes.

Hines: So you did think that.

Callahan: Did I think that they reported it?

Hines: No. Didn't you think that the other deputies would report their force?

Callahan: Oh, absolutely. Yeah, I knew that they would report their force.

Hines: Okay. Eventually you left the field, you went back to the station, there was a debriefing and you had another opportunity to report your force or the force you witnessed. Explain to me again why you didn't do it then, because in the field you were overwhelmed. Are you overwhelmed when you're in this debriefing?

Callahan: Overwhelmed? No, not overwhelmed.

Hines: Okay, then what was the reason that you did not report your force then or what you witnessed?

Callahan: I don't -- I don't -- I don't have a reason. It -- I -- I didn't report it. It was -- it was an error on my part. I just didn't.

Hines: Was it a conscious effort? Was it a conscious decision?

Schwab: You know what, sergeant, he's gone over and over and over this, as have the other deputies. They told you it was a lapse in judgment or an error on their part or however they phrased it.

Hines: Uh-huh.

Schwab: They did report it. They didn't write their reports appropriately. I don't know how much more any of them can say about that.

Hines: Well, was it a conscious decision on your part at the briefing not to report it?

Callahan: No, sir.

Hines: It wasn't a conscious decision not to report it.

Schwab: You know what, now you're arguing with him. How's he supposed to answer that question?

Hines: Okay. Was it a conscious decision not to report it?

Schwab: Okay. I don't understand what that questions means. What do you mean? Did he give it ten minutes worth of thought or 20 minutes worth of thought?

Hines: Do you understand the question, Eric?

Callahan: No.

Hines: Okay.

Callahan: Could you rephrase it please.

Hines: Okay. You said you made an error in the briefing room by not reporting your force, that it was just an error; correct?

Callahan: Correct.

Hines: Okay.

Schwab: Well he didn't say it was just an error. He said it was an error. Now you're -- the way you phrased it acted like he was sort of dismissing it and that's not what he said.

Hines: Okay. Tell me again the reason that you didn't --

Schwab: No, he's not gonna repeat what he said again.

Morejon: He said -- let me interject here. I wrote down here what you said. You said you had no reason. You said, there was no reason. It was an error on your part.

Schwab: That's correct.

Callahan: But not reporting it.

Morejon: Right.

Callahan: Correct.

Morejon: Is that correct?

Callahan: Yes, sir.

Morejon: Okay. So now it leads to my partner's question.

Hines: This error, was it a decision that you made not to report it, the force that you used? You're an experienced deputy sheriff. You know you need to report force.

Schwab: Okay. Now you're asking --

Callahan: That's correct.

Hines: Okay. You agree with that.

Callahan: Yes, sir.

Hines: Did you make a conscious decision not to report it?

Schwab: Okay. And the problem is a "conscious decision." I don't understand what that means. What does that mean, "a conscious decision?"

Hines: Was he sitting there when the lieutenant is asking about -- that he knows -- he knows that the lieutenant, by his own statements, that the lieutenant is wanting to know if there's any other information. As he's sitting there, he is thinking, I gotta report force but I'm not gonna do it at this time. Is that what was going through your mind?

Callahan: Yes.

Hines: Okay. You said that you did not get together with the other deputies and discuss anything prior to the point where you go out into the parking lot. Is that fair?

Callahan: Correct.

Hines: Why do you feel it was necessary to go outside for nearly 25 to 30 minutes and discuss what happened if you didn't perceive that there was any problems in the force, that you felt that it was reasonable, appropriate, and necessary?

Callahan: Because I was the handling deputy and I was writing the report. I had to find out what everybody did, if there was something that happened that I didn't see.

Hines: And you hadn't done that out in the field?

Callahan: No, sir.

Morejon: So is it fair to say that it was your decision to gather everybody and take them out in the parking lot to gather this information?

Callahan: I don't believe that there was a decision made by any one person to -- mainly myself, to let's go outside and talk about this. I had to go out to my vehicle to retrieve paperwork, materials related to this incident, and I remember talking to other deputies and then the other ones came outside, were doing the same thing. We all just kind of met up in the parking lot right -- right by the front door and that's when I told them, "Hey, we need to..." I said, "Had -- had anybody reported this? If -- we need to -- we need to report it if not. It's been too long." That's when I realized that -- after the briefing I knew that they were obviously concerned about it and it was -- by their -- by the way the lieutenant was talking it was -- too much time had passed. I know that I have to report it immediately, but I didn't and I knew after the briefing that it was a big issue now. So I wanted to make sure that everybody was on board and had to -- maybe somebody saw something that I didn't see. I needed -- I need to know 'cause I -- I was writing this. I -- I felt I had to be in charge.

Hines: So what you discuss in the parking lot was -- tell me.

Schwab: Didn't he already discuss this in the prior interview? Hold on a second. Let's refer to the right page, Eric. Hold on.

Hines: As you sit here now, do you have any recollection of what you discussed in the parking lot, other than what you've already told us?

Callahan: Just why -- why hasn't the force – force been reported.

Hines: So when you went out to the parking lot, your main concern is let's talk --

Callahan: No.

Hines: -- about why the force --

Callahan: No, sir.

Hines: -- hasn't been reported?

Callahan: No, sir, not main concern.

Hines: Okay.

Callahan: That was a concern.

Hines: Okay.

Callahan: But I was also gathering information for the report. But it wasn't my -- my main concern. But once that topic was brought up, then that became the main concern.

Hines: When you're out in the parking lot, was there any deputy who claimed to have doubts about the force?

Callahan: Can you -- can you --

Schwab: What does that mean, (inaudible) have doubts?

Callahan: Could you clarify that for me please.

Schwab: What does that mean?

Hines: Well was there any deputies -- when you were out there, did anybody think maybe the force was unreasonable or not appropriate?

Callahan: Not to my knowledge, sir, no.

Hines: You don't -- you don't recall that?

Schwab: No, he said not to his knowledge, which means he (inaudible).

Callahan: If somebody did, then it was not made mention to me. But everybody that discussed it did not say anything that the -- in regards to the force being unreasonable.

Hines: All right. As we know, there was a pursuit, a significant use of force, five experienced deputy sheriffs out in the field. All five after using force and some witnessing force and with no discussion or comparing notes experience a similar either lapse in judgment or failure or error or mistake, and this is all done

independently and coincidentally they all fail to report their force. Based on your training and experience, would you agree to me that this is unusual?

Schwab: You know what, that's -- that's improper. And furthermore, you're making your own summary of how you think this all went down. That doesn't mean that we agree with that. We haven't seen the entire package. We don't know what you're looking at. Obviously someone's given you a lot of questions to ask. Again, this was supposed to be 10 to 15 minutes. This is obviously an hour and a half's worth of questions for each deputy. And we're gonna be here all day just to let you know that.

Morejon: Answer the question.

Schwab: With that volume of questions.

Hines: Okay. Deputy Callahan --

Schwab: But that's not a fair question --

Hines: All right.

Schwab: -- as to whether something is unusual or not.

Hines: All right.

Schwab: If you want to ask him if he's ever not reported force in the past, that's okay, although that's not an issue in this case.

Hines: Do you need me to repeat the question, Eric? I'm gonna ask him to answer it.

Schwab: The question's improper, sergeant. He's not gonna answer that.

Hines: I'm going to order him to answer it.

Schwab: He doesn't know the answer to that question.

Hines: Well --

Schwab: Because first of all, it's based on your interpretation --

Hines: No. I'm asking --

Schwab: -- and the fact that we don't agree with that interpretation.

Hines: All right.

Morejon: Don't argue with her.

Hines: Eric.

Callahan: Sir.

Hines: Based on the situation as you look at it as a whole, whether my interpretation of it is your interpretation or not, but do you agree that you're five experienced deputy sheriffs?

Callahan: Correct.

Hines: You're in a pursuit; correct?

Callahan: Correct.

Hines: There's a lot going on. There's a significant amount of force used, reportable force. Do you agree with me so far?

Callahan: Yes, sir.

Hines: All right. No one reports their force, is that correct, until later.

Callahan: Correct.

Hines: Not immediately.

Callahan: Correct.

Hines: All I'm asking you is based on your training and experiences, you sit here today, do you feel -- do you have an opinion as to whether that is an unusual event or not, that five experienced deputy sheriffs would not report their force?

Callahan: I don't have an opinion on that, sir.

Hines: You don't have any opinion on that whatsoever?

Callahan: No.

Schwab: You know what, would you stop re-asking the same question when he answers it.

Hines: It's just a habit that I have.

Schwab: Okay. Well it infers that somehow he's giving you an improper answer when I think the question's improper in the first place.

Morejon: You need to ask that.

Hines: (To Morejon:) I just did. You ask it. (To Callahan:) So you have no opinion as to whether it's unusual or not.

Callahan: I have no -- I -- I could formulate an opinion. Give -- give me a minute, I'll think about it and I'll -- and I'll -- I'll -- I'll give you one, if that's what you would like, but initially I don't have any opinion about it.

Schwab: Are you asking him if he's experienced that before? Is that what you're trying to get at?

Hines: No.

Schwab: All right.

Callahan: It -- it may be unusual, yes.

Hines: Okay.

Callahan: It may be unusual, sir, but it doesn't mean that it's wrong.

Hines: If you were assessing this, how would it look to you based on your training and experience?

Schwab: How would it look to you?

Callahan: What -- in an overall (inaudible)?

Hines: Yes, if you were the one on the outside looking at this.

Callahan: I would -- in regards to the -- justified.

Hines: It would look what?

Callahan: Justified.

Hines: Okay.

Schwab: Okay. Now you're referring to the force used; correct?

Callahan: No, we said in a whole, overall.

Schwab: Right.

Callahan: The pursuit --

Schwab: Right.

Callahan: -- the force, -- justified. That's -- if I had to put a word on it then I would put that.

Hines: Well let me pinpoint it a little bit more. The part where you don't immediately report your force, how would that look?

Callahan: Suspicious.

Hines: I understand that you can only speak for yourself, but do you have any explanation as to how -- I'll tell you what the concern is. You sit here and you tell me that you were overwhelmed. We have another deputy who says that everybody has a reason why they didn't report force. What's -- what's troubling for us as investigators and the executives on this Department is that how do you explain that five experienced deputy sheriffs all coincidentally --

Morejon: Without talking.

Hines: -- without talking to one another, independently come to this -- I don't even know what --

Morejon: All eventually come up with a reason for not reporting their force initially. That's the issue. That's the troubling issue, that there's five independent deputy sheriffs here. All independent from each other, you don't talk to Morris, you don't talk to anyone else. You've said that already; correct?

Callahan: Yes, sir.

Morejon: So you don't talk to anyone else and there's five of you that all decide at the same time during the same incident, "Hey, for whatever reason, I'm not gonna report my force now," or there's a lapse of judgment, there's an error, something occurs where you don't report it.

Hines: Do you have any explanation for that, knowing that you can't speak for anybody else?

Callahan: Other -- other than what I've already given, sir, no, I do not.

Hines: And this error out in the field, being overwhelmed out in the field, carried into the debriefing.

Schwab: Actually that's not what he said. The error carried into the debriefing but he didn't say he was overwhelmed in the briefing.

Hines: Okay.

Schwab: He said (inaudible).

Hines: The error carried into the debriefing.

Schwab: It's just that nobody spoke out.

Hines: I think don't I have any more questions. Sergeant Morejon.

Morejon: (No audible response, shook his head in the negative)

Hines: Sergeant Callahan, that's all the questions that we have for you.

Morejon: Sergeant Callahan? You promoted him now.

Hines: I just promoted him.

Morejon: Huh, just promoted him.

Schwab: I think that's only fair.

Hines: Deputy Callahan, that's all the questions that we have for you. I apologize for the length of this interview. Do you have anything to add, anything that we haven't asked you that you feel is important for us to know?

Callahan: No, sir.

Hines: All right. With that we'll go off the record. It is 1137 hours.

SUBJECT INTERVIEW (2nd Interview)

IAB CASE NUMBER IV2101944

DEPUTY [redacted] **#**[redacted]
Pico Rivera Station
Field Operations Region III

A follow-up interview was conducted with Deputy [redacted] at the Internal Affairs Bureau on March 2, 2005, at 1329 hours, by Sergeants William Hines and Elier Morejon. Also present during the interview were Helen Schwab and Daryl Brenneman from Green and Shinee. The interview was tape recorded and transcribed as follows:

Hines: Today's date is March 2nd, 2005. The time now is 1329 hours. I'm Sergeant Bill Hines. With me is my partner, Sergeant Elier Morejon. We're from the Internal Affairs Bureau continuing our investigation under IAB File No. IV 2101944. We are getting ready to do a follow-up interview with Deputy [redacted] Deputy [redacted] please for the record state your full name, spell your last name, and then give us your employee number please.

[redacted] [redacted] Employee No. [redacted]

Hines: And before we went on the record, [redacted] did you have an opportunity to read over and sign the Subject Administrative Rights Admonition?

[redacted] Yes.

Hines: Did you have any questions regarding that form?

[redacted] No.

Hines: Also for the record we'll go around the table and introduce ourselves. Again, I'm Sergeant Bill Hines.

Morejon: Sergeant Elier Morejon, M-o-r-e-j-o-n.

Schwab: Helen Schwab, S-c-h-w-a-b.

Hines: All right. And also in the room.

Brenneman: Daryl Brenneman, B-r-e-n-n-e-m-a-n.

Hines: All right. Deputy [redacted] this -- these are some follow-up questions from your interview that you had on December 9th. Before -- before today did you have an opportunity to read over the -- your transcription of your first interview?

[redacted] Yes.

Hines: Do you have any questions or any corrections that needed to be made on that?

[redacted] No.

Hines: Okay. During this incident we've already established -- or you've already acknowledged that you used force; is that correct?

[redacted] Yes.

Hines: And I believe you didn't witness any other deputies using force, did you?

[redacted] No.

Hines: And were there other deputies present when you used force?

[redacted] Yes.

Hines: Was it your belief at the time that other deputies witnessed the force that you used?

[redacted] Yes.

Hines: And we did establish that you've been involved in uses of force before. You understand the force policy. You've used force in the past and you have reported that force in the past; is that correct?

[redacted] Yes.

Hines: All right. Do you recall reporting the head-butt to Sergeant [redacted]

[redacted] The -- the initial head-butt I recall when I reported my use of force, I reported that to Sergeant [redacted] yes.

Hines: Now, in the sequence of events, when was that? And just to refresh your memory to make sure we're all on the same page, out in the field you didn't report a head- butt; is that correct?

[redacted] No.

Hines: Okay. And after the -- the debriefing, the pursuit debriefing, did you report a head-butt?

[redacted] No.

Hines: Then at this point you guys, the way I understand it, go out in the parking lot and you're discussing whatever you discuss out there. And then you re-contact or Sergeant [redacted] re-contacts you or you re-contact her; is that correct?

[redacted] Yes.

Hines: Now, from what she says she's got her notebook out and she's asking everybody what they did and -- and everybody is giving her information as to what they did. And she wrote down that you said that you had used your flashlight and struck the suspect. You had jabbed him; is that correct?

[redacted] Yes.

Hines: At that point did you tell her about a head-butt?

[redacted] No.

Hines: All right. So you're starting your report and Sergeant [redacted] leaves; is that correct? And she -- 'cause she goes to -- well she's not in the room with you any more or she's not in contact with you; is that correct?

[redacted] Yes.

Hines: Now, at some point we know now that she goes to talk to the suspect and then she re-contacts you and says now that the suspect is alleging that he was hit when he was handcuffed. Do you recall that?

[redacted] Okay. I recall talking to her in regards to the situation, yes.

Hines: Okay. And you tell her something to the effect, yes, that that was possible, that -- that was me. And then you tell her that -- you acknowledged the fact that that did occur; is that correct?

[redacted] Yes.

Hines: Now, is this the point -- no. Do you tell her at this point about the head-butt?

[redacted] You know, I don't exactly remember when I told her about the head-butt. But when we had discussed initially reported the force and what we had done and why we had used it, that's when I reported I used my flashlight to jab the suspect because he attempted to head-butt Deputy Morris. I can't tell you exactly where and when that was. But when the whole sequence of events came down to reporting, I had explained that to her.

Hines: Well, Sergeant [redacted] can't recall anything about a head -- you reporting a -- being-- heard that there was a head butt. She does recall that she does talk to you and during this -- during this sequence of events. And from what she recalled, you told her something to the effect that when you jabbed the suspect you were still trying to get the suspect handcuffed and the suspect was kind of squirrely and -- and resisting the -- resisting getting his hands behind his back, and that was the reason that you -- that you jabbed him with your flashlight. Do you -- do you recall that?

[redacted] No, I don't recall that at all.

Hines: Now, I need to be clear. Is it you don't remember saying -- could you have told her that and don't remember saying that or is it you did not tell her that?

[redacted] I -- I don't recall telling her that. I recall when I did speak to her outside and I told her that I had hit him with my flashlight and then I realized he was handcuffed, and I told her why I hit him with my flashlight or I jabbed him, because of the fact that he head-butted Deputy Morris. We were outside. That was when I had -- you know, we had contacted each other in the hallway. And I asked if I could talk to her outside --

Hines: Okay.

[redacted] -- regarding the incident.

Hines: So you never told her -- just so I'm clear, you never told her that the reason you jabbed the suspect was because you were trying to -- he was squirrely and squirming around and he wouldn't submit to being handcuffed.

[redacted] I -- I don't recall that.

Hines: And again, I need to know, is it that you might have told her and you don't remember or you did -- you don't recall?

[redacted] I -- I don't recall if -- if that's what's she's saying, if that's what she recollects. I -- I couldn't tell you what she recalls, but I don't recall telling her that.

Schwab: I also note that, you know, we've got a prior reported statement from Sergeant [redacted] regarding Deputy [redacted] statements, and she doesn't mention anything about saying the suspect got -- what did you use, "squirrely" and -- and that this is why the flashlight was used.

Morejon: Which interview do you have of her?

Schwab: It's a portion of the interview.

Hines: I think that's her very first interview before she became a Subject in this investigation.

Schwab: Well then --

Morejon: Yeah, that's not -- we're talking about our interview with her. Let me just ask you just -- just I think to finish this question up. Would there have been a reason for you telling her that when you didn't do that? You're saying that you didn't hit the guy with the flashlight because he was squirming around; right?

[redacted] No, I --

Morejon: So would there be a reason for you telling her that that you can think of?

[redacted] Not -- not that I think of, no.

Morejon: Okay.

Hines: And again, when you're out in the field you don't talk to deputy -- or Sergeant [redacted]

[redacted] No.

Hines: At any time prior to returning to the station, do you recall having any discussion with other deputies about the force that they used?

[redacted] No.

Hines: At any time prior to returning to the station, were you aware of any discussion other deputies had about the force that was used?

[redacted] No.

Hines: When you were still in the field after the suspect was in custody, did you believe that all the force that you used was reasonable, appropriate, and necessary?

[redacted] Yes.

Hines: And you didn't witness any force; correct?

[redacted] No.

Hines: Did any deputy ever come up to you and ask you at any time that night, "If you hit him with a flashlight you better say something 'cause this looks very bad, looks like we're trying to cover it up for you."?

[redacted] No.

Hines: No one ever said that?

[redacted] No one said that to me.

Hines: We'll ask you specifically. Do you remember Deputy Callahan saying that to you?

[redacted] No, I don't.

Hines: All right. In your first interview you make reference to -- and I'm going to -- I'm gonna step out on a limb here and -- and I think I'm actually gonna make a correction for you. You said you had a momentary lapse of bad judgment.

Schwab: Can you give us a page number.

Hines: Yes. Page 5. (Inaudible), can you find it? (Inaudible). It's right in the middle of the first paragraph. It says, "I just had a momentary lapse of bad judgment."

[redacted] Okay.

Hines: Would it be a fair assumption on my part that you meant you had a momentary lapse of good judgment?

[redacted] I don't understand the question.

Hines: Can you help me, Helen?

Schwab: Oh, yeah. Well, you either exercise poor judgment or you had a momentary lapse of judgment.

Hines: Good judgment.

Schwab: Of good judgment. So in other words, it's a double negative. So you would -- probably what you meant to say is I just had a momentary lapse of judgment.

Hines: Or you meant to say I had momentary bad judgment.

Schwab: Poor judgment.

[redacted] Okay. Momentary -- it was momentary poor judgment.

Hines: All right. Minor thing. I just -- just want to -- I need you to explain for me, because different people it might be different things of having bad judgment. Define for us, if you can, what you meant by that.

[redacted] Well, in a situation when things are happening so fast I think at that time it was bad judgment on my part and, you know, like I said, it -- it -- it just was -- at the time what had occurred. It was a long pursuit. It was somebody who was potentially dangerous. It was an individual, you know, who rammed my radio car. You know, I mean it just -- as time goes things start calming down and you start -- you're able to think a little more clearly. You know, at that moment it was a bad decision not to report the -- the immediate use of force.

Hines: You say it was a bad decision. Was there a decision involved there? Did you -- did you make a decision not to report it?

[redacted] No, I -- it's not like I sat there and thought about it. It was just at that time, you know, as -- as I'm, you know, playing things over in my head as to the sequence of events. And when it came down to it, it. Just why I didn't, I guess I -- I panicked. Maybe I was a little scared. You know, it was -- it was something that -- it went on for a long time. It wasn't just, it happened and it was over. I mean this was something that gradually, from the pursuit to, you know --

Schwab: The termination.

[redacted] -- to the termination of the pursuit and in between there, the 245 on me.

Hines: Okay. Did you -- did you have this bad -- momentary bad judgment because you were trying to protect somebody else?

[redacted] No.

Hines: You said that you didn't discuss reporting it. You didn't discuss reporting options. You guys didn't get together and discuss what -- what -- that you weren't gonna report it; correct?

[redacted] No.

Hines: When did you know that the others had chosen not to report their force?

[redacted] You know, I couldn't answer that question. I don't know if they made a decision not to report it or not.

Hines: Well when you were in the briefing room -- the briefing room or in the briefing room doing the debriefing, did you know at that point that the others weren't gonna report force?

[redacted] Well, as far as, if they use force or not. As I said, I didn't witness any other force. All I know is that I used force.

Hines: Okay.

[redacted] And I didn't report it.

Hines: How did you know that the others had chosen not to report the force that you -- they saw you use?

[redacted] I didn't.

Hines: Were you ever concerned that any of the deputies that saw you use force would report they saw you use force and that this would expose your failure to report it?

[redacted] No.

Hines: You did not? All right. After you left the field and you had this lapse of good judgment, you were at the debriefing. Explain why you didn't say it in the -- after the debriefing when your lieutenant had a concern.

[redacted] You know, I just -- he asked if there was anything else anybody wanted to say and I just didn't say anything.

Hines: And why?

[redacted] I honestly couldn't give you an answer. I just didn't say anything.

Hines: Do you feel you still had poor judgment?

[redacted] Yeah, I mean it -- it carried over. I mean it was -- it was a concern of mine on myself and, you know, just -- it -- it continued to snowball from there.

Hines: As you were sitting there and listening to the lieutenant, you knew in your head that you had used force. Is that a fair statement ?

[redacted] Yes.

Hines: And at that point you chose not to tell the lieutenant about that force; is that correct?

[redacted] Yes.

Hines: You felt that the force that you used was necessary and appropriate; is that correct?

[redacted] Yes, I did.

Hines: After Sergeant [redacted] came to you guys when you're still in the briefing room and -- and at that point she tells you what the suspect is alleging, why did you -- if you felt that the force you used was appropriate, why did everybody need to go outside for 25 to 35 minutes to discuss what they needed to tell her?

[redacted] Well I don't think we went out to discuss what we needed to tell her. I mean we were out talking about how it was gonna be reported with Deputy Callahan, he was the reporting -- the handling deputy and -- and that's when I had told him, look, I know what I did and I need to report this.

Hines: I guess my follow-up question would be, prior to going out to that parking lot, why didn't you just tell Sergeant [redacted] right then that you had used force? Why did you need to go to the parking lot?

[redacted] I was initially going out to get my paperwork so I can start writing. Why I did not tell her, I -- I can't give you an answer.

Hines: Can you tell me a little bit more about what was discussed when you were in the parking lot?

[redacted] Discussed with the other deputies?

Hines: Yes.

[redacted] Just the -- the pursuit itself and how it was gonna be reported. As I said, Deputy Callahan was the handling unit, to give him the necessary information he needed to file the report, complete his report.

Hines: This should be my last -- pretty close to the last question. There's five experienced deputy sheriffs. Do you agree to that so far?

[redacted] Yes.

Hines: Okay. There was a pursuit. You agree to that?

[redacted] Yes.

Hines: And then there was a significant use of force. Would you agree to that?

Schwab: Well, I don't agree it's significant. There was use of force.

Hines: It's a significant use of force that requires reporting. Like when I say "significant use of force," it -- it -- I use that as our reporting policy it falls under, it -- it shall be reported, not really meaning the significant -- you know, how significant or serious is (inaudible) no.

Schwab: (Inaudible) force. Okay.

Hines: Right. He didn't -- there was no broken bones. There was --

Schwab: Right.

Hines: There was no sutures or --

Schwab: Right.

Hines: -- anything like that. But it's -- under our policy of reporting force, it fell under significant use of force. Would you agree to that?

[redacted] Reportable force, yes.

Hines: We want you to -- understanding that you can speak for only yourself, do you have any explanation as to how all five of you, without any prior discussion, without talking about it, all kind of had the similar lapse in judgment and coincidentally failed to report their force?

[redacted] I honestly couldn't give you an answer as far as why they didn't report it. I -- you know, I can say that I didn't report it immediately, and that was my bad decision.

Hines: And that bad decision carried on from -- from the field and into the debriefing, after the debriefing.

[redacted] Yes.

Hines: I'm gonna revisit just momentarily the reporting of what you reported to Sergeant [redacted] She recalls that something was said, something to the effect that when you talked to her that the suspect was on his stomach and he wouldn't give up his hands. Couldn't get control of his hands, couldn't get them behind his back. And that was the reason that you jabbed him with your flashlight. You do not -- do you recall ever having a conversation with her about that?

[redacted] No, I do not recall that conversation.

Schwab: Nor did she say that in the prior statements that she made.

Morejon: You don't have all her prior statements, Helen.

Schwab: That's true. But I have her statements in relation to what Deputy [redacted] --

Morejon: Well we have other --

Schwab: -- reported to her.

Morejon: Okay. Like I said, you don't have it all. So we have -- we do have those statements and -- and her interviews.

Hines: This is the last question, unless my partner has anything. Did you ever have a conversation with Sergeant [redacted] that said something to the effect -- and again, this isn't -- these aren't exact words, this isn't verbatim. But something in this -- this area, "I hit the guy while he was handcuffed because I was -- I was wound up or I was excited. I just got 245'd. A 245 was committed on me and I hit him and I made a mistake."?

[redacted] I -- I don't recall saying that to her.

Hines: Okay. Just so I'm specific. Could you have said that and just don't recall it?

[redacted] I -- I wouldn't recall being wound up and being the victim of a 245 being the reason to strike somebody, no.

Hines: Okay.

Schwab: That's something else she didn't say in her prior statements. I mean I -- I have a real problem with a sergeant embellishing after the fact in her third interview or whenever she's -- her third time of reporting this incident.

Hines: Sergeant Morejon.

Morejon: When you hit the suspect with your flashlight, at the time you hit him, did you know he was handcuffed?

[redacted] No, I did not.

Morejon: If you would have known he was handcuffed, would you have done anything different?

[redacted] Honestly I can't answer that question if I would have done anything different from given the circumstances that were there, seeing him attempt to head-butt another

deputy, knowing that if he gets away from this deputy, well which Dan -- or excuse me, Deputy Morris did let go of his grip. If Deputy Callahan doesn't grab him, I'm the next line of defense. I may have -- or would have used any means necessary to stop this threat. He's already, you know, shown that he doesn't want to go to jail. Have handcuffed suspects run away before? Yes.

Morejon: Okay. So the -- the fact that he was handcuffed or not handcuffed wouldn't have really played much of a decision making as far as the force you used?

[redacted] No.

Morejon: You would have used on him; correct?

[redacted] No.

Morejon: Okay. All right.

Hines: That's all the questions that we have for you. Is there anything that we haven't asked you that you feel is important for us to know in this investigation?

[redacted] Well as I -- as I stated in my last interview, you know, I know I made a mistake. It was wrong not to immediately report my force. Given the same situation again I would do what I'm supposed to do and report the force. I feel I was justified in using my force.

Schwab: It may just be a point of clarification, but do you have your flashlight with you that you used on the night of the incident? It wasn't (inaudible).

[redacted] This is the flashlight that I carry.

Schwab: Is wasn't a standard (inaudible) light, was it?

Hines: For purposes of the tape, Deputy [redacted] has taken out his flashlight. It is probably all of about -- it's less than a foot I would say.

Schwab: Oh, yeah.

Hines: And probably --

Morejon: Ten inches, eight inches.

Hines: -- an inch and a half in diameter?

[redacted] (Inaudible).

Hines: And that's the -- that's the flashlight you had that night?

[redacted] Yes, sir.

Hines: Okay. Anything else?

Morejon: A model number. And just what it is.

Hines: It's a --

Morejon: Can you read that?

Hines: It's called a Stream Light Stinger. It's got [redacted] initials on it.

Morejon: And now since we've got the flashlight, did you hit him with the light side or the butt end side?

[redacted] No, sir. When I had it it just was in my hand at the time. I was -- was carrying it and it ended up like this when I jabbed him.

Morejon: Okay. That's the butt-end.

Hines: So the butt --

[redacted] The butt-end.

Morejon: So the -- the small end.

[redacted] The small end.

Hines: All right. Unless there's something else we'll go off the record. It is now 1353 hours.

SUBJECT INTERVIEW (2nd Interview)

IAB CASE NUMBER IV2101944

DEPUTY DANIEL MORRIS #[redacted]
Operation Safe Streets Bureau
Office of Homeland Security

A follow-up interview was conducted with Deputy Daniel Morris at the Internal Affairs Bureau on December 10, 2004, at 1124 hours, by Sergeants William Hines and Elier Morejon. Also present during the interview were Helen Schwab and Daryl Brenneman from Green and Shinee. The interview was tape recorded and transcribed as follows:

Hines: Today's date is March 2nd, 2005, the time now is 1406 hours. I'm Sergeant Bill Hines. With me is my partner Sergeant Elier Morejon. We're from the Internal Affairs Bureau. We're continuing our investigation under IAB File No. IV 2101944, and we're about to interview Deputy Morris. And, Deputy Morris, just for the record, please give us your full name, spell your last name, and give us your employee number, please.

Morris: Daniel Morris, M-o-r-r-i-s, [redacted]

Hines: And before we went on the record, did you have an opportunity to read over and sign the Subject Admonition?

Morris: Yes.

Hines: Do you have any questions regarding that form?

Morris: No.

Hines: Also, for purposes of the tape, we'll go around the room and introduce ourselves. Again, I'm Sergeant Bill Hines, H-i-n-e-s.

Morejon: Sergeant Elier Morejon, M-o-r-e-j-o-n.

Schwab: Helen Schwab, S-c-h-w-a-b, counsel for ALADS and counsel for Deputy Morris.

Brenneman: And Daryl Brenneman, B-r-e-n-n-e-m-a-n.

Hines: All right. Deputy Morris, before we went on the record, we had an opportunity to review a videotape; is that correct?

Morris: Correct.

Hines: Okay. And also, you had an opportunity to, you did get a copy of your transcription from your first interview; is that correct?

Morris: Correct.

Hines: Did you have any corrections or any changes that needed to be made on that?

Morris: No.

Hines: All right. During this incident, you've already acknowledged that you used force; is that correct?

Morris: That's correct.

Hines: And you witnessed other deputies using force?

Morris: Correct.

Hines: And were there other deputies present when you used force?

Morris: Yes.

Hines: Was it your belief at the time that other deputies witnessed the force you used?

Morris: Yes.

Hines: And we've already established that you're familiar with the Department's policy on the use of force and reporting. You've used force in the past and you've always reported your force; is that correct?

Morris: Correct.

Hines: At some point during this incident, the suspect attempted to head-butt you; is that correct?

Morris: That's correct.

Hines: Did you personally ever report to Sergeant [redacted] that the suspect attempted to head-butt you, you personally?

Morris: Not that I recall.

Hines: Okay. All right. I'm gonna talk real quickly about the video. In the video, did you see yourself?

Morris: Briefly, yes.

Hines: And we've established you were the first deputy behind the suspect as he ran in between the two houses.

Morris: Correct.

Hines: And at some point, you disappear pretty quickly from the view of that videotape; is that a fair statement?

Morris: Yes.

Hines: And the person that we see also there is, we believe, well, we know is Deputy Callahan; do you agree with that?

Morris: Yes.

Hines: Okay. We want to try to establish when the suspect went to the ground. Does reviewing this refresh your memory at all as to when the suspect actually got to the ground? And what I'd like to do is pinpoint it as far as was Deputy Callahan, when you see his hands up near the fence area --

Morris: When I see who's hands up near the --

Hines: -- Callahan.

Morris: Okay.

Hines: You remember seeing him and his hands are up kind of on the fence?

Morris: I don't remember seeing that, but I remember seeing Callahan, but I don't remember seeing his hands on the fence.

Hines: Okay, we'll show you real quick. **(News footage is shown to Deputy Morris a second time.)**

Hines: I'm gonna turn my tape off. It's 1410 hours.

We're back on the record. It is 1411.

Deputy Morris, we replayed a portion of the tape, we kind of pointed out what we believed to be Deputy Callahan and at one point he's got one hand on the fence, looks like he turns around and he has two hands on the fence. Do you ever actually remember seeing him do that?

Morris: No.

Hines: Do you know where you were at that time?

Morris: To the best of my knowledge, at that time, the suspect and I were on the floor.

Hines: Did the suspect go to the ground by you taking him to the ground or did he go down by himself?

Morris: As I recall, it was me taking his arm and taking him to the ground.

Hines: Do you recall Deputy Callahan helping you take him to the ground?

Morris: I don't recall.

Morejon: Could he have?

Morris: It's possible.

Hines: All right. Out in the field when you-- still at the incident, at some point, you talk to Sergeant [redacted] however, you don't report any force; is that correct?

Morris: Correct.

Hines: Okay. She recalls that you said something to the effect, she talked to you and Perez, and she said -- and again, this is just a generalization. It's not exactly verbatim word for word, "The guy put his hand..." you, basically explained that the guy put his hands up on his head, went down to his knees, "we grabbed him" and we -- "they went to the grass," and then you handcuffed him and brought them out. Basically, that the suspect had given up. Did you tell her that?

Morris: No.

Hines: Okay. What can you remember about what you did tell her?

Morris: I don't recall the actual conversation I had with her.

Hines: Okay.

Morris: I know I didn't report force, but I don't recall the actual conversation that I had.

Hines: Is it possible that you did tell her this scenario?

Morris: No.

Hines: No. Okay. Did... I'm gonna jump around a little bit, when you guys were out in the parking lot, did any deputy ever come to you and say something to the effect, like a generalization to all the deputies, "If you hit him with a flashlight, you better say something cause this looks very bad. Looks like we're trying to cover it up."?

Morris: I don't recall that.

Hines: Could it have been said and you don't remember it or you sure you didn't hear that?

Morris: I don't remember hearing that.

Hines: Okay. So you're saying --

Morris: I don't, yeah.

Hines: -- that wasn't said?

Schwab: Well, he didn't hear that said.

Hines: You're positive you didn't hear that?

Morris: I didn't hear that said.

Hines: At any time prior to returning to the station, did you have any discussion with other deputies about the force that was used?

Morris: No.

Hines: At any time prior to returning to the station were you aware of any discussion with other deputies had about the force used?

Morris: No.

Hines: When you were still in the field after the suspect was in custody, did you believe that all the force that you used or witnessed was reasonable, appropriate, and/or necessary?

Morris: I'm sorry, that was fast, could you ask me one more time?

Hines: When you were still in the field and after the suspect was in custody, did you believe that all of the force that you used or witnessed was reasonable, appropriate, and necessary?

Morris: Yes.

Hines: In your first interview, when you say that you didn't report your force and when asked why, you said that you had poor judgment at that time. We want you to explain to us in more detail what you mean by that.

Morris: I don't know how much more in depth I can give, other than to say that, pretty much like I said before, I just... maybe it was the adrenaline and everything else that was going on at the time. That I just wasn't thinking clearly at that time. And I got my mind right, and reported what needed to be reported.

Hines: When you were in the field, you knew that you had used force; is that correct?

Morris: This is correct.

Hines: And when Sergeant [redacted] is there, you know that you've used force.

Morris: Correct.

Hines: At that time, you knew you should have reported that force to her?

Morris: Correct.

Hines: But you chose not to.

Morris: Correct.

Hines: And you feel it was poor judgment?

Morris: Yes.

Hines: And is that the same reason you didn't report it to Sergeant Robert Lawrence?

Morris: Yes. The time span wasn't that great. It was, you know, right at the same time.

Morejon: And just before we get too far from Lawrence and [redacted] my partner asked you about what [redacted] said that you had told her about the suspect and his actions.

Morris: Okay.

Morejon: You know what I'm talking about?

Morris: Yes.

Morejon: You understand?

Morris: Yes.

Morejon: Okay. You said you didn't tell her that.

Morris: Correct.

Morejon: Did you ever say that to Sergeant Lawrence? Could it have been Sergeant Lawrence that you told?

Morris: No.

Morejon: Okay. So neither one of your sergeants you gave this story to --

Morris: Correct.

Morejon: -- as to the suspect's actions?

Morris: Correct.

Morejon: Okay.

Hines: This bad judgment that you had, was it because you were trying to protect anybody else?

Morris: No.

Hines: You said that you didn't discuss reporting options with the others in the field; is that correct?

Morris: Correct.

Hines: When did you know that the others had chosen not to report the force that they used or saw?

Morris: I have no idea.

Hines: You have no idea?

Morris: I don't know what --

Hines: Well, I mean --

Morris: -- what their thought process was.

Hines: Okay. But when you're sitting in that debriefing and you know you've used force and you've seen others use force and they're not saying anything to the lieutenant --

Morris: Right.

Hines: -- would it be a fair statement at that point you knew that the others had chosen not to report the force? Is that the first time you realized this?

Morris: I would say that's probably a fair statement, yeah.

Hines: Were you ever concerned that another deputy would report their force or that they witnessed your force and that would expose your failure to report your force?

Morris: No, that wasn't my thought process.

Morejon: Why wouldn't you be concerned about that?

Morris: Well, I knew that I wanted to report my force. I knew that I hadn't done anything wrong, so I really wasn't concerned about what other deputies would say.

Hines: Based on your training and experience, didn't you think that the other deputies would report their force, especially if it was reasonable and necessary?

Schwab: Didn't he say that the other deputies would report their force? I mean, so, I don't understand exactly what you're asking. I mean, did he ever think that --

Hines: Well.

Schwab: -- other deputies were gonna report their force? Is that what you're asking?

Hines: Based on being an experienced deputy sheriff working a specialized unit.

Morris: Correct.

Hines: You're not new to this.

Morris: Right.

Hines: You know, didn't you think that the other deputies would report their force that they used, especially if the force was all reasonable and necessary? I mean, it's a fair statement, isn't it? Did you believe that? Did you think that?

Morris: Well, at the time, I wasn't really thinking about that but, again, in retrospect, yeah, it's fair to think that they would report their force.

Hines: But I don't --

Morris: At that time --

Hines: I don't want to know in retrospect --

Morris: Yes.

Hines: That night-- did it ever occur -- did you ever think when you guys are out there, these other guys are gonna report their force?

Morris: No, I wasn't really thinking that.

Hines: Okay.

Morris: I wasn't thinking that.

Hines: All right. Eventually, you guys come into the station and there was a pursuit debriefing. This was another opportunity to report your force. Why didn't you report it then?

Morris: At that immediate time, there was probably some hesitation because of, you know, maybe there was a little bit of fear involved that got beyond that.

Morejon: Fear that you already didn't report it?

Morris: Exactly.

Hines: Now since you didn't talk to any of the other deputies before you went back to the station, and you didn't discuss anything prior to the point of the debriefing, why did you feel it was necessary to go outside with the other deputies and discuss what had happened? If you didn't perceive that there were any problems, why did you need to go outside?

Schwab: Well, that's a pretty -- why did they need to go outside?

Hines: Right, in other words --

Schwab: I don't know that they needed to. They did go outside but --

Hines: Well, if you --

Schwab: If you're sort of doing --

Morejon: Why did you go outside?

Schwab: -- an interpretation on that that I don't think is there.

Hines: Well.

Schwab: They did go outside and no one said that they needed to go outside.

Hines: Okay. You went outside. Why -- I guess the simple question would be -- you could have reported the force that you used when Sergeant [redacted] came into the briefing room, but you chose not to. You guys -- the fact is, you guys went outside. Why? Why not tell her then if the force is good, why not tell her then, but you guys went outside. And you're out there from anywhere from 25 to 35 minutes.

Morris: Correct.

Hines: And the answer is why? Why go outside?

Morris: Well. (Long pause.) Well, we went outside.

Hines: I know you went outside.

Morris: Yeah. Yeah. I understand.

Hines: I just want to know why.

Schwab: If you had a reason at the time.

Morris: I can't think of any major reason as to why we went outside.

Hines: Did one person decide, "Let's go outside," or do you recall?

Morris: I don't remember. I don't recall why that decision was made.

Hines: Can you tell me more about what was discussed outside? (Morris shakes his head in the negative.) I can't pick up the shaking of the head. You don't recall?

Morris: No, I don't.

Hines: All right. When you were outside, do you recall if there was any deputy that claimed to have -- did anybody -- you said you felt that the force you used was reasonable. Were there any deputies out there who felt they used force that wasn't reasonable? Could that have been why?

Morris: No, not that I -- no, not that I recall.

Hines: Could it have been stated and you don't remember? Are you saying specifically you don't remember?

Morris: I don't remember.

Hines: All right. I understand that you can only speak for yourself in this question, but you're an experienced deputy sheriff, in fact, you're a member of a specialized unit. There's five of you. There's a pursuit. There's a significant use of force.

Schwab: All right. I raise objections to force that should be reported. Cause significant sounds like, you know, they severely injured the suspect.

Morejon: Well, that's what the Department classifies it as so that's what it is, as far as the Department's concerned, "significant."

Schwab: I haven't heard that that's how the Department classifies so.

Morejon: Well, that's policy.

Schwab: No, policy says whenever you have, you know, hands on the suspect and you're overcoming the resistance of the suspect that's force. That doesn't mean it's significant use of force.

Hines: Okay. There was a significant use of force that was reportable --

Schwab: And again, I object to that term.

Hines: Your objection is noted. And with no prior discussion, no comparing notes, all five deputy sheriffs do not report their force. What is -- what would be your explanation for that?

Morris: Like you said, I can't speak for the other guys, I could see how it looks on face value, but I can only speak for myself in saying that it was just poor judgment.

Morejon: How does it look on face value?

Morris: It looks like there was some type of conspiracy going on.

Morejon: Was there?

Morris: No.

Hines: And this poor judgment continued into this debriefing room.

Morris: Correct.

Hines: When you guys finally reported your force to Sergeant [redacted] did you overhear any deputy report anything about a head-butt? You said you didn't report it to her. Do you remember anybody else reporting it to her?

Morris: No, I don't. As a matter of -- well, tell you the truth, I don't even remember if it was Sergeant [redacted] we reported our force to or if it was the watch commander.

Schwab: Lieutenant.

Morris: I don't remember which one was reported to first.

Hines: Whoever -- anybody reported force to, we know that at some point Sergeant [redacted] took notes, cause she -- we have notes from her notebook.

Morris: Okay.

Hines: She put down you jabbed the guy or punched the guy so many times on the left side, so and so did this. What I'm asking at that point, you must have seen her taking some notes. I'm sorry, I don't mean to --

Schwab: Well --

Morris: Actually, I didn't.

Hines: Okay. All right. You didn't see her. So I'll make it easy, either to the lieutenant or to Sergeant [redacted] you did not overhear any deputy reporting a head-butt? Or did you hear, overhear, anybody reporting a head-butt?

Morris: I don't remember at what point I told them when the suspect tried to head-butt me. I'm not sure when I reported it. I know it was reported, but I don't know when I reported it. I don't remember exactly when I told them that the suspect tried to head-butt me.

Hines: Well, earlier, I think that you said you don't recall ever saying that you reported that. Are you saying now that you do?

Schwab: That was just to Sergeant [redacted] He didn't say he never did it. He said --

Morris: No

Schwab: -- he didn't recall saying it to [redacted]

Morris: At a certain point during the other interview, I believe that I told you that the suspect had tried to --

Hines: Yes, you told us that the suspect tried to head-butt you. What I'm trying -- Sergeant [redacted] doesn't recall about a head-butt. I'm asking you, when do you recall telling anybody, whether it's Sergeant [redacted] Lieutenant [redacted] anybody, that the suspect tried to head-butt you?

Morris: It would have been during the time that I reported it. Like I said, before I -- I don't actually remember it at this point as to when I exactly said it in that room.

Hines: So what you're saying is that you did, in fact, report that somebody -- that the suspect tried to head-butt you, but you don't know who you reported it to nor do you remember when you reported it? Is that a fair statement?

Schwab: Well, no, because he said he reported it that night so when that night he reported it, yeah, that would be correct.

Morris: I guess I would say -- I honest -- I don't remember who I reported the force to first, whether it was the lieutenant or Sergeant [redacted] but it was during the reporting process, when I reported it.

Hines: Dan, just so we're -- I'm not talking about the force that you reported.

Morris: Right.

Hines: I'm concentrated only on --

Morris: On the head-butt.

Hines: -- the one single thing of the head-butt.

Morris: The head-butt.

Hines: And I'm wondering, you know, would you ever have a reason -- well, you felt you had a reason to tell anybody that the suspect tried to head-butt you?

Morris: No, because he did. But...

Hines: Okay. So, you do you recall that you told somebody that the suspect tried to head-butt you.

Morris: Correct.

Hines: That night you don't remember when, when that night you did that.

Morris: It would have been when I was reporting the force that was used.

Hines: Okay. So it's clear in your mind as when you -- and when you're reporting force to who?

Morris: That's the problem --

Schwab: Like he said he didn't remember that.

Morris: -- I don't know who I reported it to first, if it was Sergeant [redacted] or the lieutenant. I don't remember exactly who got the info first. That I don't remember.

Hines: Sergeant Morejon?

Morejon: (No audible response-shakes head in the negative.)

Hines: That's all the questions that we have for you. Is there anything that we haven't asked you that you feel is important for us to know in this investigation?

Morris: No, sir.

Hines: With that, we'll go off the record. It is 1431 hours.

SUBJECT INTERVIEW (2nd Interview)

IAB CASE NUMBER IV2101944

DEPUTY ARTHUR MARK PEREZ #[redacted]
Operation Safe Streets Bureau
Office of Homeland Security

A follow-up interview was conducted with Deputy Arthur Mark Perez at the Internal Affairs Bureau on March 2, 2005, at 1447 hours, by Sergeants William Hines and Elier Morejon. Also present during the interview were Helen Schwab Daryl Brenneman from Green and Shinee. The interview was tape recorded and transcribed as follows:

Hines: Today's date is March the 2nd, 2005. The time is 1447 hours. I'm Sergeant Bill Hines. With me is my partner, Sergeant Elier Morejon. We are continuing our investigation on IAB IV2101944 and we're about to interview Deputy Perez. Deputy Perez, just for the record, please give us your full name, spell your last name, and then give us your employee number please.

Perez: Arthur Mark Perez, P-e-r-e-z. [redacted]

Hines: Before we went on the record did you have an opportunity to read over and sign the Subject Administrative Rights Admonition?

Perez: Yes.

Hines: Did you have any questions regarding that form?

Perez: No.

Hines: I think for purposes of the tape the transcriber should know by now who everyone is. Also, before we went on the record, did you get a chance to review your transcription from your first interview?

Perez: Yes.

Hines: And we also showed you a videotape news of Channel 2; is that right?

Perez: Correct.

Hines: In that video do you see yourself?

Perez: No.

Hines: And just to re-establish, in this foot pursuit you were behind Deputy Callahan?

Perez: Correct.

Hines: About how far?

Perez: Approximately -- judging from the tape I'd have to assume 10 to 20 feet back.

Hines: And when you do arrive at this incident between the two houses, Deputy Callahan and Deputy Morris are still struggling with the suspect and you assist them; is that correct?

Perez: Correct.

Hines: During this incident you've already acknowledged that you used force; is that correct?

Perez: Correct.

Hines: And you -- you did witness other deputies using force; is that correct?

Perez: Correct.

Hines: And other deputies were present when you used force; is that correct?

Perez: Correct.

Hines: Was it your belief at the time that other deputies witnessed the force you used?

Perez: I don't know what they had witnessed.

Hines: What was your belief? What -- did you think that they did?

Perez: I -- I would assume that they did.

Hines: Okay. And we've already established in your first interview that you were familiar with the Department's use of force and force -- use of force and reporting policies; is that correct?

Perez: Yes.

Hines: You've used force in the past, you've witnessed force, and you've -- and you've reported your force; is that correct?

Perez: Yes.

Hines: And you've also reported force that you've witnessed; is that correct?

Perez: Correct.

Hines: Okay. During this incident at some point the suspect head-butted Deputy Morris. Did you -- did you see that occur?

Perez: No.

Hines: After the suspect was handcuffed, did you leave?

Perez: Yes.

Hines: What -- just real quick. And I'm sorry if you already told us this. Did you go back to the car? What did you do?

Perez: I started walking back towards the car 'cause I was driving. I wanted to clear the traffic and then, you know, (inaudible).

Hines: Since we first interviewed you, we've interviewed Sergeant [redacted] a second time in connection with this incident. She -- she says that she recalls speaking to you and your partner, Deputy Morris, that night; okay. And she says that she recalls that -- that you were either in the vicinity when Morris told you -- or Morris told her or when it was being related to her about the arrest. And she recalls that what was said is that the suspect had basically given up. When he comes around, he put his hands up on his head, he went down to his knees, and he was grabbed, went down to the grass and he was handcuffed. Do you recall ever overhearing that told to Sergeant [redacted] or did you ever -- well I'll ask you that first. Did you ever recall hearing anybody tell that to Sergeant [redacted]

Perez: No.

Hines: Did you ever tell that to Sergeant [redacted]

Perez: No.

Hines: And there's no question here. It's not that you don't recall. It's just you -- you know for sure.

Perez: Right.

Hines: Okay. At any time prior to returning to the station from this incident, did you have any discussion with other deputies about the force that was used?

Perez: Not until I -- I -- as far as the stuff I was gonna write.

Hines: No, I'm talking about... before you get to the station --

Perez: Uh-huh.

Hines: -- right at the scene here --

Perez: Uh-huh.

Hines: -- before you get back to the station, was there ever any discussions with other deputies about the force that was used?

Perez: No.

Hines: Okay. At any time prior to returning to the station, were you aware of any discussions other deputies had about the force that was used?

Perez: No.

Hines: When you were still in the field and after the suspect was in custody, did you believe that all of the force that you used or witnessed was reasonable, appropriate, and/or necessary?

Perez: Yes, it was reasonable.

Hines: In your first interview regarding why you didn't report your force, you explained the adrenaline was -- was pumping and you had a lapse in judgment. I need you to define in a little bit more detail to us this poor judgment or lapse in judgment.

Perez: I don't know how to define it. That's the best way I can define it. It was -- it was just a -- a lapse in judgment. I don't know how to better define that really.

Hines: Would you call it a choke? Did you choke? Did you freeze? Did you -- did you think about it or any way you can explain it?

Perez: It was just a -- an error in judgment. It was an error in judgment. I was -- I don't know how to define it.

Hines: All right. But when you're in the field you knew you had used force; correct?

Perez: Correct.

Hines: ... after this incident. And [redacted] was there; correct?

Perez: Later on, yes.

Hines: Okay. Well at some point --

Perez: Right.

Hines: -- before you leave she arrives; correct?

Perez: I believe so, yes.

Hines: Okay. And sergeant -- your sergeant, Sergeant Robert Lawrence arrives?

Perez: Yes.

Hines: And you have an opportunity to talk to him; correct?

Perez: Correct.

Hines: Is it fair to say you made a conscious decision not to tell them.

Perez: It wasn't a decision. It was just a -- like I said, a lapse in judgment. It wasn't -- there was no decision.

Hines: This lapse in judgment, did you have it because you were trying to protect other deputies?

Perez: No.

Hines: You said that you didn't discuss the reporting options that night; is that correct?

Perez: I'm sorry. The --

Hines: Okay. When you guys are still out in the field you don't talk about -- we don't say, okay, we're not gonna report force. There was no discussion.

Perez: Correct. There was no discussion like that.

Hines: When did you know then that the others had chosen not to report force?

Perez: I don't -- I don't recall when I -- when I found out that -- as far as their reporting of force. I can't recall when they -- when they reported theirs.

Hines: Well, I'm not asking that. When did you know that they weren't -- they had chosen not to report the force? Would it be at the debriefing when the lieutenant asks if you guys have anything else to add? Would that be --

Perez: I would assume it was sometime maybe after that or --

Hines: Were you ever concerned that one or more of the deputies would be reporting their force or that they witnessed force and that would expose your failure to report your force?

Perez: No.

Hines: Why not?

Perez: 'Cause I wasn't worried about my force used. I know mine was reasonable and it was all justified, so I wasn't worried about it.

Hines: Well based on your training and experience, did you ever think that the other deputies would report their force, especially if the force was all reasonable and necessary?

Perez: I don't know what they were thinking, but I wasn't worried about what they were gonna report as far as me, if that's what your question is. I wasn't worried about it.

Hines: No, I'm asking -- based on what you know --

Perez: Uh-huh.

Hines: -- as an experienced deputy sheriff, did you ever think that they would report their force? Did you think that they would report their force?

Perez: I'm assuming they were gonna report their force.

Hines: Eventually you guys go back to the station, you do a debriefing. And at this point you don't report your force. And again, what -- what is the reason at that point that you don't report your force?

Perez: Like I said, from the first interview. It was just a lapse in judgment, just -- just an error in judgment on my part.

Hines: So there's a continued error in judgment.

Perez: Yes.

Hines: You said you didn't get together with the other deputies to discuss anything prior to this -- to this point, but you guys end up going out into the parking lot. I want to know why. What was the reason that you guys went out to the parking lot?

Perez: I can assume that I had to find out who was even the handling deputy. I was gonna write a sup. I want to confirm who it was 'cause I -- had to let them know I was gonna be turning in a sup, even to find out who to turn all the paperwork in to.

Hines: So that's the reason you guys went out to the parking lot, to find out who -- who had the handle and --

Perez: Basically.

Hines: -- who was gonna do the reports?

Perez: Basically. I was --

Hines: Or what your --

Perez: I was explaining that I was gonna be writing a sup as far as, you know, what I -- the force I had used.

Hines: Do you recall when you're outside any deputy ever asking this general question looking around and saying something to the effect, "If you hit him with a flashlight you better say something 'cause this looks very bad, looks like we're trying to cover it up for you."?

Perez: I don't recall that, no.

Hines: While you're out in the parking lot, do you recall hearing any deputy claim to -- or have any -- express any doubts about the force that was used?

Perez: No.

Hines: I think you're the only one that we asked this question on the first interview, but we're gonna ask it again, possibly in a little bit different way. But we understand that you can only speak for yourself, but we have five experienced deputy sheriffs who've used an amount of force that is reportable under policy. It's at the end of a pursuit and all five deputy sheriffs coincidentally and independently failed to report their force. What would be -- looking at this from the outside, what would be your explanation for this?

Perez: Like I said, it's a lapse in judgment on my part and as far as my explanation, I can't explain other peoples' reason for anything. I can just explain my -- my error. That's my explanation of it basically.

Hines: As investigators are we missing something? I mean this would be your opportunity to tell us if we are.

Perez: No.

Schwab: Well we don't know if you're missing something 'cause we don't have access to your investigative file. If we had access to your file we'd be able to --

Hines: Well we're -- we're looking --

Schwab: -- answer that question.

Hines: -- for I guess your experience based on your training and experience, being in a specialized unit, if you can shed light on -- this is just coming from within you --

Perez: Uh-huh.

Hines: -- how -- how this could happen.

Perez: Well, I can't explain how it can happen.

Hines: Okay. Did you ever report -- did you personally ever report observing the suspect trying to head-butt Deputy Morris?

Schwab: Did he report it or did he observe it?

Morejon: Report it. He already said he didn't observe it.

Hines: Right. You didn't observe this head-butt.

Perez: No.

Hines: Did you personally ever report this head-butt to anybody?

Perez: Did -- did I report something that I didn't see?

Hines: Did you -- did you report that you heard that the suspect head-butted Deputy Morris?

Perez: I don't -- I don't remember. I didn't see it. I don't remember hearing about it, so I didn't --

Hines: Okay. That was my next question. Did you ever hear a deputy sheriff that night -- let me rephrase that. Did you ever hear any of the deputies involved in this that night, did you ever hear them report the fact that the suspect attempted to head-butt Deputy Morris?

Perez: I -- I don't remember. I don't remember if I heard it that night or not.

Hines: Could you have heard it and just don't remember it?

Perez: That he tried to head-butt him?

Hines: Yes.

Perez: That -- possibly. But I don't -- I don't remember hearing the -- the head-butt part.

Hines: Then you're confident that you didn't hear about the head-butt.

Schwab: And you're confident. You mean that night? Is that what you're asking?

Hines: Yes.

Schwab: **(To Perez)** Are you confident if you... Are you confident whether or not you heard about the head-butt?

Perez: No, I -- I don't remember. I can't -- I can't remember if I heard it that night or not.

Hines: I -- I don't mean -- I don't mean to keep going over it. But what I need to know is, could it have been said then and you just didn't hear it?

Schwab: Well of course. Anything could have been said and he didn't hear it.

Hines: Is that your answer?

Perez: Yes.

Hines: Okay. Sergeant Morejon.

Morejon: Was there any kind of conspiracy between the deputies or you deputies there to hide the fact that you used force and didn't report it?

Perez: No.

Hines: That's all the questions that we have for you. Is there anything that we haven't asked you that you feel is important for us to know in this investigation?

Perez: No, sir.

Hines: Okay. With that we'll go off the record. It is 1502 hours.

SUBJECT INTERVIEW (2nd Interview)

IAB CASE NUMBER IV2101944

DEPUTY RICHARD CANFIELD #[redacted]

Pico Rivera Station
Field Operations Region III

A follow-up interview was conducted with Deputy Richard Canfield at the Internal Affairs Bureau on March 2, 2005, at 1513 hours, by Sergeants William Hines and Elier Morejon. Also present during the interview were Helen Schwab and Daryl Brenneman from Green and Shinee. The interview was tape recorded and transcribed as follows:

Hines: Today's date is March the 2nd, 2005. The time is 1513 hours, I'm Sergeant Bill Hines. With me is my partner, Sergeant Elier Morejon. Again, we're continuing our investigation under IAB File No. IV2101944. We're about to interview Deputy Canfield. Deputy Canfield, for the record please give us your full name, spell your last name, and then give us your employee number please.

Canfield: Richard Canfield, C-a-n-f-i-e-l-d. [redacted].

Hines: All right. Before we went on the record, did you have an opportunity to read over and sign the Subject Administrative Rights Admonition?

Canfield: Yes, I did.

Hines: Did you have any questions regarding that form?

Canfield: No, I didn't.

Hines: For purposes of the tape, Sergeant Bill Hines. Go around the room.

Morejon: Sergeant Elier Morejon.

Schwab: Helen Schwab.

Brenneman: Daryl Brenneman.

Hines: Spell it.

Brenneman: B-r-e-n-n-e-m-a-n.

Hines: Deputy Canfield, before going on the record did you have an opportunity -- did you get a chance to review your transcript from your first interview?

Canfield: Yes.

Hines: Any corrections or changes on that?

Canfield: No.

Hines: We established in your first interview that during this incident you acknowledged that you used force; is that correct?

Canfield: Correct.

Hines: And you did not witness any other deputies using force; is that correct?

Canfield: That is not correct. I did witness people using force.

Hines: Okay. I stand corrected. Other deputies were present when you used force?

Canfield: Yes.

Hines: Was it your belief -- did you think at the time that other deputies witnessed the force that you used?

Canfield: Yeah.

Hines: And we have established that you're familiar with the Department's use of force policy --

Canfield: Correct.

Hines: -- reporting. You've used force in the past.

Canfield: Yes.

Hines: You've witnessed force in the past.

Canfield: Yes.

Hines: And you've reported the use and witness; is that correct?

Canfield: Correct.

Hines: At any time prior to returning to the station that night, did you have any discussion with other deputies about the force that was used?

Canfield: No.

Hines: At any time prior to returning to the station, were you aware of any discussion other deputies had about the force that was used?

Canfield: No.

Hines: When you were still in the field after the suspect was in custody, did you believe that all the force that you used or witnessed was reasonable, appropriate, and/or necessary?

Canfield: Yes.

Hines: In your first interview regarding why you didn't report your force on page 12, you say, "Good question. I have no excuse." Can you elaborate any more on that for us?

Canfield: Why I wasn't -- I don't know if that's talking about reporting in the field or at the station.

Hines: At the -- in the field.

Canfield: In the field. And my only excuse was I went back to the original car at the collision and as we were impounding the car, I don't know, someone came over the radio and said we're goin' – goin' to the station. So that's -- we all just went to the station from there. I did not walk back to the sergeant.

Hines: Okay.

Canfield: Report the force at that time.

Hines: And again, you didn't go back to the sergeant. And you said, "I have -- I have no excuse."

Canfield: Yeah, I have no excuse for that. I should have done that there. Didn't'.

Hines: Do you feel this -- well -- in not reporting your force did you feel you were trying to protect anybody else?

Canfield: No.

Hines: You said that you didn't discuss any of the reporting options that night in the field; is that correct?

Canfield: That is correct.

Hines: When did you know that the other deputies had chosen not to report the force that they used?

Canfield: I assumed just when we were all in the -- well when I knew is when we were in the -- in the briefing room when they actually asked, is there anything else you need to tell us. And as I stated before, as they went down the line nobody said anything. When they came to me, you know, I don't know why I didn't say anything, but I didn't say anything either. So I think at that point I knew nobody reported anything.

Hines: As you sat there and you knew you used force and you -- is that correct?

Canfield: Yes.

Hines: And you decided not to say anything at that point?

Canfield: Correct.

Hines: Okay. Were you ever concerned that one or more of the other deputies would report -- would report their force or the force that they witnessed, which would include the force that you used, and that would expose you to your failure to report?

Canfield: No.

Hines: You didn't?

Canfield: No.

Hines: Why didn't you?

Canfield: Rephrase the question for me. I wasn't concerned if that's what you were asking.

Hines: Well, you're out there and you're using force.

Canfield: Correct.

Hines: And you see other deputies using force but you don't report yours.

Canfield: Correct.

Hines: Were you ever concerned that they're gonna report that they saw you using force and now you're kind of uh-oh?

Canfield: No, I was never concerned. You know, I wasn't worried if they said if they did or didn't. I would just expect them to say they saw me use force.

Hines: Based on your training and experience, did you think that the other deputies would report their force?

Canfield: Yes.

Hines: This was out in the field. Eventually you get back to the station and then there's a pursuit debriefing. You had another opportunity to report your force and you didn't. Now why not then?

Canfield: That -- as I stated earlier, as the L. T. was going down the line asking everybody is there anything else they want us to tell us, and I was the last one there and they didn't ask me. Nobody else said anything and I, you know -- I can't explain why I didn't say anything, but I just didn't. But I -- at that moment we all -- everyone went outside.

Hines: All right. That's my next question. Why? Why'd you go outside?

Canfield: Just basically to pretty much figure out who did what. I mean, obviously I went out there and said, I -- I had his left arm. Who had the right arm type thing and that kind of stuff. And we all came back in and --

Hines: Could you have --

Canfield: (Inaudible).

Hines: Could you have told Sergeant [redacted] that without going outside?

Canfield: Oh, of course.

Hines: But you chose again not to.

Canfield: I didn't. Yeah, I did not.

Schwab: You know, I -- I have to tell you, sergeant, when you asked a question of a deputy earlier along those lines, you had said to us and I believe it was in [redacted] first interview, that the sergeant had -- it says, [redacted] comes back, says she's still in the briefing room -- says you're still in the briefing room. And then she tells you guys that you need to think about whatever you need to tell her, something to that effect, and then you guys leave. And the inference is -- is that somehow the guys all decide they better get together and talk about this. And in fact from your question it appears as if the sergeant was encouraging them to somehow meet and talk about what force, if any, was used. So when you had used the term earlier like why did you need to go outside, it was at the suggestion obviously of supervision that they do that or at least wherever they went, that they talk about this.

Morejon: He could have --

Schwab: And that's on --

Morejon: The deputy could have said that.

Schwab: That's on page 19. No, that's what Sergeant Hines said.

Morejon: No, but I'm saying the deputy could have said, well we went outside for this reason. Because if he felt the sergeant told him to go outside he could have answered it (inaudible).

Hines: I'm just trying to -- just trying to figure out if Deputy Canfield has any independent opinion as to why they needed to go outside. Did you feel -- well I'll ask you. Did you feel you needed to go outside because that was what Sergeant [redacted] wanted you to do?

Canfield: I don't recall what Sergeant [redacted] really even said during the debriefing. I remember Lieutenant [redacted] you know, talking to us. But I don't know if they're still in the briefing room or if they had left the briefing room and we just decided to go outside and get a breath of air and, you know, just figure out who did what and come back in and tell them.

Hines: Can you tell me just a little bit more about what was discussed in the parking lot.

Canfield: Like I said, it was just pretty much on who did what. You know, I stated I had his left arm and whoever had his right arm and feet or, you know, who threw what punches. You know, I don't recall everybody's statements. You know, I just remember what I did. But it was pretty much -- that's all it was. It was who did what and let's come back in and report it like we're supposed to.

Hines: When you were in the parking lot, was there any deputy who claimed to have doubts about the force or felt that some of the force wasn't appropriate?

Canfield: No.

Hines: When you're out in the parking lot, was there ever any deputy who said to the general group or to you specifically, "If you hit him with a flashlight you better say something 'cause this looks very bad, looks like we're trying to cover it up for you."?

Canfield: I don't recall that.

Hines: All right. Should be the last question. There was a use of force that was reportable. There's a pursuit. You're one of five deputies that are experienced deputy sheriffs, and you're one of the five that collectively, independently, coincidentally failed to report their force. There's different -- there's different reasons as to why, you made an error, lapse in judgment, poor judgment. Do you have -- I know you can only speak for yourself, but do you have any explanation as to how this could happen?

Canfield: No. It just happens. You know, I don't have an explanation of how it could happen, no. It's just one of those things that happened. I think everybody was caught up in the moment.

Morejon: In your experience has it ever happened before?

Canfield: I've never had that many people -- I've never been involved in a force situation with that many people, so no, it has never happened before.

Morejon: All right.

Hines: That's all the questions that we have for you, Deputy Canfield. Is there anything that we haven't asked you that you feel is important for us to know in this investigation?

Canfield: No.

Hines: No. All right. With that we'll go off the record. It is 1523 hours.

SUBJECT INTERVIEW

IAB CASE NUMBER IV2101944

LIEUTENANT [redacted] #[redacted]
San Dimas Station (Formerly assigned to Pico Rivera Station)
Field Operations Region III

Lieutenant [redacted] was interviewed at the Internal Affairs Bureau on March 25, 2004, at 1033 hours, by Sergeants William Hines and Elier Morejon. Lieutenant [redacted] chose not to have an attorney or representative present during the interview. The interview was tape recorded and transcribed as follows:

Hines: Today's date is March 25, 2005. The time is 1033 hours. I'm Sergeant Bill Hines. With me is my partner, Sergeant Elier Morejon. We are from the Internal Affairs Bureau. And we are continuing our investigation under File #IV2101944. We are currently at the Internal Affairs Bureau in Interview Room D, and we're about to interview Lieutenant [redacted] as a Subject in this investigation. And, [redacted] before we went on the record, did you have an opportunity to read over and sign the Subject Administrative Rights Admonition?

[redacted] Yes.

Hines: Did you have any questions regarding that form?

[redacted] No.

Hines: And you understand that you are a Subject and you are entitled to representation of your choice before we interview you or during your interview.

[redacted] Yes.

Hines: You understand that?

[redacted] Yes.

Hines: And you have chosen not to have one. Is that correct?

[redacted] Yes.

[redacted] On page 11, I guess you can consider it the third major area –

Hines: Okay.

[redacted] – where it says, "Lieutenant [redacted] said that he – that a short time later, [redacted] came to the office and said something to the effect that 'I needed to talk to you.'"

Hines: Okay. I'll tell you what, when we get to that point –

[redacted] Okay.

Hines: – we'll go ahead and –

[redacted] All right.

Hines: – clear that up.

[redacted] Okay.

Hines: Now also, I think I pointed out to you before we went on the record that in your interview, you mentioned when you first went to talk to the – to the suspect, you had said that he told you that he was struck with a flashlight. And then you later say that he didn't tell you that he was struck with a flashlight. Can you clear that up for us?

[redacted] Yes.

Hines: Okay.

[redacted] Immediately after the debriefing, there was a red flag raised in my mind that force may have been used. As a result of a lack of eye contact with certain deputies, things were going good in the debriefing until I said that if force was used, it's not too late to report it and to report it to Sergeant [redacted] It was at that point in time, deputies began to look away, particularly Deputies Callahan, who was immediately sitting to my left, and the two deputies assigned to GET. One was Morris and I believe the other one was Perez. They – they immediately – their heads – they were sitting together. Their heads went sideways looking away from each other down to the ground. I immediately called a halt to the debriefing and asked the Sergeant to accompany me into the jail area with the suspect. My first question that I recall was something to the effect, "Why would you run from all – all of this at low speeds? Why would you eventually run?" And he gave me an explanation, you know. He – he basically didn't know why. I then asked him to tell me what had happened at the

conclusion of the foot pursuit. He indicated to me that, what I recall, is that he attempted to scale a fence and realized he wasn't going to get over the fence before being captured by the deputies that were immediately behind him. He jumped down from the fence and immediately went to ground or to lay on the grass. And he indicated to me that he put his hands out and he laid on the grass with his head to one side where his cheek would be against the grass. And if I recall, it would have been his right cheek because he – when I noticed, there was some grass still on his eyebrow and the side of his face. He told me he was beaten with flashlights and a baton and he was kicked and punched by the deputies. In my assessment of what he was saying, I saw no visible injuries to the front of his face, other than a slight bloody nose that was corrected by Sergeant [redacted] and the fact that the suspect told me he hit his face or his nose on the steering wheel, thus for the nosebleed. There were no other visibile injuries to him. And if I remember, he had a shaved head, so I would have known or seen the bruises or the red marks on his face. Not seeing anything, I asked him to turn around and raise his T-shirt up. He raised his T-shirt up and I was looking specifically for scrapes or bruises that would indicate that he was punched or particularly, if he received a kick from a deputy's shoe. I saw nothing on his back. I asked him to turn around and show me his front side when I noticed two or three circular bruises that I, in my experience, to believe from the end of a flashlight, as somebody jabbed him, not struck him in an overhead blow, but a deliberate blow to the chest in this type fashion. And I've got a flashlight and I'm going in a –

Hines: Jabbing.

[redacted] – parallel jabbing motion, parallel to the desk, not a striking blow. That's what I saw.

Hines: Okay, all right. I know that your recollection of this incident is very similar to what Sergeant [redacted] recollection was with possibly a little bit of differences in the times that she came back to you. But you agree that she came back to you and updated you as this thing progressed that night?

[redacted] Yes. I directed Sergeant [redacted] or you can interpret that as being ordered her –

Hines: Okay. Well let – let me – let's – let's get to that a little bit later.

[redacted] Okay.

Hines: I don't want to jump ahead.

[redacted] Okay.

Hines: I know – I know you want to get into this and get it over with. But with that being said, some of the recollection, the record basically already speaks for itself as far as what you recall and from your first interview with us and from what Sergeant [redacted] interview with us. We know that there was a certain sequence of events of her leaving you, talking to the deputies, coming back and updating you. And you do agree – agree to that. Now there's – during this whole incident, there's – there's some issues that we want to ask you directly and – and give you an opportunity to tell us what you were thinking, why you – why you did certain things that you possibly – or that you did that night. And the first one that we want to ask you about is the arrest review. I understand that you did not – during this incident, you – the arrest was never run past you. In other words, Callahan, who I understand was the guy who wrote the – the first report, and – he never comes to you with an arrest review or a PCD or anything like that. Explain to us why that didn't occur. Why didn't you make that happen?

[redacted] At the – at the time of the incident, no – no one came to report force to me. Even 'til today, nobody's reported that they used force to the Watch Commander, who I was. My mind-set, what I was thinking is, is that the suspect is in custody. Everybody saw him driving the stolen car. There's no question that he was the person they pursued from that stolen car. Therefore, I didn't think it mattered that they run the arrest by me at that time to tell me the circumstances of the arrest. I've listened to the pursuit tape. I've got people saying that he ran from the car and the – the Aero unit. I've got them apprehending the suspect. And I've got the Sergeant telling me that no force was used. So we're talking about an incident of an arrest report versus a use-of-force and the documentation required by the Department.

Hines: Any questions on that part?

Morejon: Do you know who ended up signing the PCD?

[redacted] I have no idea. I don't think it's even with the package that I have. Do we have one?

Morejon: I think we do, yeah. Yeah, we do have a PCD, but I don't know who signed it. As a Watch Commander, do you normally get arrests run by you?

[redacted] Yes. It's mandatory that felony arrests get run by the Watch Commander.

Morejon: Okay. So I guess this goes back to the – to the – you explained why you didn't have it run by you. Eventually, why didn't the deputies run it by you? I mean at some point, they have to run it by the Watch Commander to get approved, a felony arrest, correct?

[redacted] Yes.

Morejon: Why – do you know if they ever did with another Watch Commander maybe on another shift?

[redacted] I have no idea. I recall leaving in the morning and not having been advised of the arrest. And whether or not it was done the next day, I don't know unless you have a copy of the arrest review 'cause I didn't do it.

Hines: Even though you kind of knew what the circumstances of the – of the arrests were, did you feel you had any responsibility to ensure that that should have been done?

[redacted] Absolutely.

Hines: All right. When you go to speak to the suspect, and at the point that you see that he's got marks on him and he alleges that he's – at that time – when you see these marks, the red flags again go up for you and you feel at this point that he has, in fact, been struck by a flashlight. Is that a fair statement?

[redacted] Well that's just one more flag.

Hines: Okay.

[redacted] I mean at some point in time, how many flags have to go up, and that'll maybe be a question here, but –

Hines: Okay.

[redacted] – my first –

Hines: But you didn't –

[redacted] – my first impression was is that – let me just say this at this point, had I not taken the steps that I took when I saw the deputies' demeanor during the briefing, and I would have left it at that, I would have been negligent as a Watch Commander for not pursuing it. So because I saw the – the lack of eye contact and that movement, directed me to talk to the suspect. At that point in time, I could have done nothing. I've got a – I've got a vehicle pursuit. I've got a foot pursuit. I've got a non-reportable force incident. It was when I saw the deputies' demeanor, based on my experience, forced me to go talk to that suspect. There was no reason to talk to him because no force. The jailers didn't complain to me that he was complaining that he

– force was used upon him when he was booked. The booking officers never came to me and said, "The guy's complaining that force was used." So it was my next step based upon what I saw to take it to the next level. When I saw the marks, I then directed the Sergeant to go find out why.

Hines: All right, let me stop you. Now my question is, is at that point, what – what was your line of reasoning? What – what were you thinking – why do you send her back in to talk to these guys once they've already had an opportunity in the field and an opportunity during your debriefing, why did you send her in there for – for essentially the third time to get these guys –

[redacted] The first time.

Hines: Well, it will give these guys a third time to report their force. They haven't reported it in the field. That's the first time.

[redacted] They haven't reported it in the briefing.

Hines: They haven't reported it in the debriefing. That's – they had a second opportunity. Now essentially, you're giving them a third opportunity to report it to the Sergeant. Why did you send – why did you send the Sergeant in there to do that? What was your line of thinking?

[redacted] My line of thinking was, at that point in time that I saw the marks, I wanted to start to disassociate myself from the deputies at that point in time. I have a, what I believe to be an unreported use of force by my deputies. And so I went back to my office and began – starting making notifications, that at least I believed I had that minimum policy violation, that I've got deputies not reporting force, I've got witnesses possibly not reporting force, and so I directed the watch – the watch ser – the field sergeant, [redacted] to go ask them for the discrepancies.

Hines: Why did you feel you – at this point, if you felt that you've got a situation where deputies have used force, but they haven't reported the force and you feel in your mind that you have a policy violation, why wouldn't you just stop right there and start an investigation other than – opposed to going and giving them a third opportunity, so to speak, to – to – 'cause you're basically sending [redacted] in there now to ask questions and you already have in the back of your mind that these guys have violated – possibly violated policy.

[redacted] In my – in my original debriefing with the deputies, I told them a couple things. One, is the length of the pursuit was going to be reviewed by the Division. And this

pursuit, at the time before the deputy was involved in a 245 upon himself, was about seven minutes and fifty-six seconds. And I knew I was going to be scrutinized for allowing that pursjuit to go as long for the crime that I had. I believe that I managed it; the speeds were low. I let it continue. But I told the deputies in there that, "We're going to document this thing. It's going to be documented properly." And I told Deputy Callahan, "If you're writing the first report, I want all Supplemental Reports to be reviewed by you first to make sure that there's no discrepancies in your mind with what you're writing in your first report." And then I made the comment, "If force is used, it's never too late to report it. Report it now." And then that's when the heads went down.

Hines: Right. But my specific question is, is why – why did you sen[redacted]

[redacted] Okay, okay.

Hines: I understand you disassociated yourself with these guys.

[redacted] Right.

Hines: But why did – what was your line of thinking for sending her back in there?

[redacted] My line of thinking was, as I told you, I've started to disassociate myself and make notifications as to what I had at that point in time. I still believe that as a Watch Commander, you're responsible for managing and directing and knowing what's going on in the shift. So I sent her back to find out what the facts really were. The notifications are starting to be made. I'm – I'm starting to tell people above me at my level that we've got some policy violations. I don't know what extreme it is until we get in this dialogue where she's coming back and forth to me to telling me what's going on. So what I'm trying to do is, I'm trying to make sure the deputies that used force, they report it, we get it documented, even though they're going to fall on the sword for not reporting it. They violated policy right then and there. Does that help at all? No?

Morejon: I – I –

Hines: Well do you feel that –

Morejon: Go ahead.

Hines: Do you feel that – knowing – I don't know how to ask the question, make the question any clearer.

[redacted] Let me – let me – yeah, let me go this – let me – let me answer it this way then. There is a clear way to do it, and that would be for me to just sit there and say, "Hey, this is no longer in my ballpark. I immediately call the Internal Affairs Bureau, through the chain of command, and let them handle it and disassociate myself with this investigation totally and – and give it to somebody else." I have a responsibility, I think, to the people that I manage and I direct. And to be – to be fair to them, given them opportu – they're already going to fall by the sword. They've already violated the policy. So I'm giving them another chance to come forward and tell the truth.

Hines: Okay. Then quite simply then, you felt – is this a fair statement, assess what you just said, is that, you just wanted to give them a third opportunity to report their force?

[redacted] If you want to say a third opportunity, yes. I wanted to give them an opportunity to tell the truth and get it on paper.

Hines: But in – but in your mind, you – you pretty much suspected that they've already violated the policy?

[redacted] At that point in time when I saw the marks and discrepancy, I think I told the Sergeant, "Unless you can convince me those are sprinkler marks on that guy's chest, force was used."

Hines: Any other questions in this area?

Morejon: In your – in your mind, even though they came back – in your mind, even though– if they came back and said, "Yeah, we did use force now," you would have still taken the same route that you did as far as an investigation? I guess what we're trying to get at is, and the question is, if these guys would have came back, which they did, and said, "Hey," you know, "we used force; we're sorry," would this just have been washed and say, "Hey –

[redacted] No.

Morejon: – write your reports and this never happened"?

[redacted] No, no.

Morejon: Okay. You still would have continued with what you did?

[redacted] Yes, because I believe I had a policy violation, once again that they – deputies that used force, didn't report it in a timely fashion. And that was upon – when the field

sergeant arrived just moments after the – the end of the pursuit, she asked them, "Was forced used?" They told her no. And so that was my reason to give them one more chance, document this thing, the right thing, but still continue with the policy violation for the report of force. Now – now things are evolving and it comes back to me now that – that one of the deputies not only uses force, but uses an impact weapon with the individual handcuffed.

Hines: Okay. We'll get to that –

[redacted] And now that – that turns the tide differently.

Hines: Okay.

[redacted] I've got admin; I got a potential criminal violation, and now I know who did it. And that was Deputy [redacted] and that was told to me by the Sergeant. And now I've got a different way to go on this.

Hines: Okay. Let me ask you this. When – what was your – what was your direction to Sergeant [redacted] when you – when you see the marks on the suspect's chest and you – tell me again what you directed her to do and what – and – at that point?

[redacted] Again, I think my exact words, "Unless those deputies can tell me that he fell on a sprinkler when he went to the ground, then somebody used force." And I wanted to know who did it and why they did it.

Hines: Okay. Did you ever convey to her that – that – when you – when she left that room or the booking area, did you know where the deputies were at that time?

[redacted] No.

Hines: Okay. Did you ever –

[redacted] Other than in the Station 'cause I just finished the briefing.

Hines: Okay. Was your goal ever to have the deputies congregate and discuss this?

[redacted] No.

Hines: Okay. Did you ever give her any direction to do that?

[redacted] To have the deputies congregate?

Hines: Yes.

[redacted] Talk about it?

Hines: Yes.

[redacted] No.

Hines: When she – do you recall about what time this debriefing was? I've got the incident as about, what time was it, 2300 hours. I'm not sure if that's the start of the pursuit or –

[redacted] No. That's towards the unit of pursuit.

Hines: Okay.

[redacted] The pursuit started right round 2300 hours.

Hines: Okay.

[redacted] And I believe it ended at 2317. I have written down that at approximately 0003 hours, I had a conversation independently of each other, with some deputies. First of all, at midnight, Deputies Morris and Perez came to me and were outraged that I canceled their participation in the pursuit and they indicated to me that they were involved in – they were the second unit involved in the pursuit. I told them that they needed to tone down their temper with me or we weren't going to discuss anything, and it brought them back down to a level of professionalism. I gave my explanation to them and they left. At approximately 0003 hours, another deputy, Stan Avila, comes in to me and he's upset that I canceled his participation in the pursuit.

Hines: How do you spell Avila?

[redacted] A-V-I-L-A.

Hines: Okay.

[redacted] And I believe that's Stan.

Hines: Okay. Now –

[redacted] And he tells me that he's the second unit in the pursuit.

Hines: Okay.

[redacted] So it's – it's – now I get the Sergeant on the air and say, "I got a discrepancy here." I go to my other sergeant and say, "Give me a copy of the tape to review." And I tell Sergeant [redacted] to contact everybody involved in the pursuit and bring them in, we're going to debrief it.

Hines: Okay.

[redacted] So to answer your question, it was between I'd say – before 1:00.

Hines: Okay. So – and how long – sometime before 1:00, the debriefing starts.

[redacted] Yes.

Hines: And how long would you say that is? Fifteen minutes?

[redacted] Fifteen minutes at the tops.

Hines: And how long are you talking to the suspect once you leave the briefing area?

[redacted] Not more than five minutes, if even that.

Hines: Okay.

[redacted] I ask him again what had happened.

Hines: Right.

[redacted] I looked at the body, realized that to me, force. I went back to [redacted] and said, "We need medical attention for this guy. Make the arrangements to have him transported by an uninvolved deputy."

Hines: Okay. That – you brought up a point here that I want to make sure we touch on. Now you're – you're standing there; you're talking to him, and you hav[redacted] you direct her to go in to talk to these – to find out about the force, or if force was used. Now –

[redacted] That's to the deputies.

Hines: Right, right. Now is she still there when you dir – how do you direct medical

attention for this guy? Is it right after he shows you these marks?

[redacted] No. It's – it's – it's a short time thereafter. I think [redacted] comes to me and brings that to my attention and I said, "We need to get him medical attention and he needs to go out now," but again, by an independent deputy that was not involved in the pursuit or the force.

Hines: I guess what I'm asking, after you see the marks on this guy and he's complained that he was hit with flashlights and batons, how soon – what time frame is it that you arrange for him to get medical treatment?

[redacted] Very short period of time.

Hines: Less than five minutes?

[redacted] I'd say less than 15.

Hines: Okay. And do you recall who you arranged to do that – you just advised the desk, "Hey, get somebody in here to take this guy"?

[redacted] No. I think I – I think I told Sergeant [redacted] to make those arrangements.

Hines: Okay.

[redacted] And it could have been Sergeant Grote because – as I had come out of the cell, out of the booking area. She was standing in that immediate area. And I was told that when force was reported, it was also reported to her.

Hines: Okay.

[redacted] That she was with [redacted] at the time.

Hines: According to your notes then, about what time – what time frame do you think it is when you go in to talk to the suspect the very first time? Approximately.

[redacted] I – I would venture a guess that it probably – at midnight when I requested the deputies to come in, let's say it took them 15 minutes to come in, a 15-minute debriefing at the most, it's now 12:30, 12:35.

Hines: Okay. So around 12:35 is when you first go and talk to the –

[redacted] Yes.

Hines: – suspect? Okay. We know from the supplemental reports that the suspect was transported at 04 –

[redacted] 10.

Hines: – 10. Do you know why there was such a long time frame between the time that you talked to him and by – and him getting to the hospital?

[redacted] No. Other than looking at the deputy that wrote the Supplemental Report, he's considered an early-morning deputy and so I don't know what time he came on. He either came on at 11 or 12 at night.

Hines: During this time, do you recall checking on the progress of this inmate or suspect getting to the hospital?

[redacted] No, because I assume that when I made the direction to do it, that he would go as quickly as possible.

Hines: When you first directed [redacted] to go talk to these guys the first time right after you noticed the marks on the suspect, how much time goes by before she comes back to you and gives you an update on what's going on?

[redacted] Probably an hour.

Hines: Okay.

[redacted] Approximately an hour.

Hines: And based on your first interview, just real quickly, what do you recall her first telling you when she first comes back after this hour? And you can refer to your – your first interview if that helps refresh your memory.

[redacted] I want to say off the top of my head that she told me that they're now reporting force.

Hines: Did – any time during this incident, do you recall anybody reporting to you, either Sergeant [redacted] or any deputies – well first of all, did any deputies ever report force to you? I think you said earlier no one ever did. Is that correct?

[redacted] No one reported force to me that evening.

Hines: Okay.

[redacted] And as I sit here today, none of those deputies involved have reported force to me.

Hines: Okay.

[redacted] And I might add, it's not in any of their reports or their supplemental reports that it was either reported to either the Sergeant – either the – either the filed sergeant, the watch sergeant, or me.

Hines: Okay.

[redacted] It's not indicated in any reports.

Hines: Did anybody – did Sergeant [redacted] or anybody that night ever tell you anything about a deputy being head-butted or attempted to be – suspect attempted to head-butt a deputy?

[redacted] No.

Hines: When [redacted] then gets back to you in about an hour later, do you recall her mentioning anything to you about the suspect being struck with a flashlight by the deputies?

[redacted] No.

Hines: At some point, she tells you that the suspect has been struck with a flashlight. Is that correct?

[redacted] Yes.

Hines: Do you recall the reason that the suspect was struck with a flashlight?

[redacted] Did I know the reason that night?

Hines: Yes.

[redacted] No.

Hines: So when it's reported to you about a flashlight strike, you only know that there's been a flashlight strike or a jab, but you don't know the reason for that strike or jab. Is that

a fair statement?

[redacted] And the fact that he was handcuffed.

Hines: In the sequence of events, does she tell you about the flashlight strike or jab and the suspect being handcuffed at the time? Is that in the same conversation or is that an additional conversation as you remember it?

[redacted] I want to say it's at a later time. I recall her, she had a small notebook that she was carrying and began to document things. She began to show me entries as to who had done what in the use of force. And I don't recall her ever telling me that a flashlight was used at that particular time.

Hines: Okay.

[redacted] It was later on that, she comes back to me and says, "We got a new problem" or "There's a new issue," that a deputy used a flashlight while the prisoner was handcuffed.

Hines: What – and you directed her to do what now at this point?

[redacted] I think I directed her to go back and talk to the deputies. And I don't know what the purpose of that was other than to make sure that it was reported and documented as to why.

Hines: The question, though, is at this point, you've heard now that the suspect was possibly struck while he was handcuffed. What was your thought process again of sending her back to talk to the deputies?

[redacted] Well again, I realized, you know, I've mentioned that I tried to disassociate myself with – with her and the deputies at that point in time and I was making notifications. In that same thought process was the same then as it is now, is that I began to make updates as to the progress of this evolving event.

Hines: Did you ever think – did you ever at any point stop and think to yourself, "Okay, I'm not going to send [redacted] in any more to talk to these guys. I need to take control of this situation and – and either start an inv – a full-blown investigation instead of keep sending her back and forth –

[redacted] No, I didn't.

Hines: – talking to these guys"?

[redacted] No. It didn't cross my mind.

Hines: Okay. Changing tapes.

[redacted] You guys must use the 90-minute ones.

Hines: We'll give it a second. Okay. Just so we're clear, or so I'm clear, after you're told about the suspect possibly being handcuffed and you send [redacted] to talk to [redacted] you're disassociating yourself, continuing to disassociate yourself with the deputies. Why?

[redacted] I"m – I'm still – I'm making notifications to my Captain. I had originally called him and told him the status of that, we had a pursuit, the reason for the pursuit, we had a foot pursuit, and I told him no force was used. It's later that I learned now there's force, that was used. I'm – I'm sending her back to figure out the reasons why and who used that force and make sure it gets documented. And I'm now calling the Captain back to tell him, "Oh, now force is being reported."

Hines: Okay. But you knew force – okay. You've already told him that the force has been used, but then you get additional information about the suspect being handcuffed.

[redacted] That was later.

Hines: Okay. It was –

[redacted] I've called the Captain now twice and now I learn another thing, that now not only was forced used, but now force was used on a handcuffed prisoner.

Hines: Okay. But you still chose to send [redacted] to talk to the person who possibly hit the guy while he was handcuffed?

[redacted] Yes.

Hines: I don't want to belabor this, but – and the reason that you did that, once you – you get information that the guy's possibly handcuffed, what was your reasoning for sending her again to go talk to [redacted]

[redacted] Simply, I wanted it documented– of the event.

Hines: Did you ever feel that – I mean during this whole process, did you feel that you were handling this situation, that you were in charge?

[redacted] Yes.

Hines: Okay. And that – that's why? Explain.

[redacted] I don't understand what you're asking.

Morejon: This is – this is –

Hines: You felt that you were in – you were in charge of this situation.

[redacted] Absolutely.

Hines: You were the – you were the Watch Commander.

[redacted] Absolutely.

Hines: Okay.

[redacted] The burden's going to fall on my shoulders. I wanted everything properly documented. I wanted everything properly reported.

Hines: Okay.

[redacted] Even though they didn't report it to her the first time. Had the deputies reported this thing the way they should have, we would not be here today. That's the bottom line.

Hines: All right. I think one of the last issues we want to address is at some point, Deputy [redacted] comes to you and wants to talk to you. And explain why you did what you did, you didn't want to talk to him.

[redacted] First of all, Sergeant [redacted] had just come in to me and told me and updated me that now they're reporting – the deputy's reporting the use of a flashlight and that, "The deputy wants to talk to you." It's just a matter of minutes before he walks in to my door. I'm confronted with some administrative policy violations, once again for people that use force, not reporting, witnesses that may have been there that saw the force, not reporting, and now I have this – I'm confronted with the idea that I have a named deputy that's – that's now used force using an impact weapon on a handcuffed prisoner which could be construed as a criminal violation of the law.

With that in mind, when he comes in to see me, based on having worked IA and ICIB, I wanted to give him, and not violate his rights as a citizen, that he has as anyone, and I didn't want to violate his Peace Officer's Bill of Rights, so I asked him and I recommended that he go talk to a representative because I was looking now at a more severe direction with a criminal aspect.

Hines: All right. Let me stop you for a second, and I want you to think about what you just said because earlier, when you first find out that the guy is handcuffed, do you not send [redacted] in to do the same thing that – well, let me – sorry, let me – let me back up. You send [redacted] in or send [redacted] to talk to [redacted] to find out what's going on. Were you concerned about his constitutional rights or his Peace Officer's Bill of Rights when you sent her to talk to him because you wanted to get information – you wanted [redacted] to get information from [redacted] Is that correct?

[redacted] No. I think my idea was is to make sure that he was going to properly document his actions for what he did for the reasons why he did it. I wasn't going in there to – for her to ask him questions to violate that area. I just wanted to make sure that he was aware that he had to document that he used his impact weapon, a flashlight, and the reasons why he used that and to properly document it, not to go in there and ask him questions that may violate either his administrative or criminal rights. It was more of a sense to go back there to make sure that he was going to document it.

Hines: So when you're sending [redacted] back each time to talk to these guy – well, I guess we'll start with just [redacted] your goal then is just to have [redacted] tell [redacted] that he needs to document about the flashlight?

[redacted] That – that's what my goal was. And obviously, I didn't articulate that very well.

Hines: Okay, let me review something here 'cause I think in your first interview, you said you recall that it was only after you directed her to go back to the deputies and determine what caused the red marks on Galez's chest area that it was discovered that a flashlight was used. And then she came back and she said there was a new problem, and that was that there was a flashlight strike.

[redacted] The time sequence is off a little bit on that.

Hines: Okay.

[redacted] When I came in here with – to be interviewed and having read what I said, was probably the best evidence –

Hines: Okay.

[redacted] – because it happened right then. But as I recall and look back on it, that's not the proper sequence of the events.

Hines: Okay. Well, I think in your first interview, too, you said that when – when she comes to you with this new problem, according to you, you said you directed [redacted] to talk to the involved deputies again about this discrepancy. Is it a discrepancy that you're concerned about at that time or is it that you want her to make sure that this information is properly documented? Because on the surface, what this thing looks like is that – that you want [redacted] to talk to these guys and get the truth.

[redacted] That's the bottom line.

Hines: Okay. But then it appears that a short time later when a deputy now is going to come and talk to you about this situation, now you don't want to talk to him.

[redacted] And – and then – well, let me – let me see how we can do this. Well you're right, that's what it looks like.

Hines: Right.

[redacted] But – but again, I'm taking into account it was – it was – the matter that I learned that the flashlight was used and who used it was moments before the individual had come to talk to me. And now I know that he's already violated policy violations 'cause he didn't report the use of force in the field when she asked him.

Hines: But couldn't one look at this, though, and say that you knew policy was violated more than likely from the minute you looked at the – at the inmate or the suspect and you saw marks on him, and you even felt at that point that policy had been violated.

[redacted] Absolutely.

Hines: So –

[redacted] It would have been very easy for me at that point in time once again to say – get on the phone and say, "I've got an unreported use of force, roll a team; you guys deal with it." And I chose to continue to find out what was going to be the truth. It just didn't happen that way.

Hines: But then once the deputy wants to come to you and tell you –

[redacted] But –

Hines: – but – but you stop him. And that's what –

[redacted] Because – because the deputy at that point in time, I know who he is. I didn't know what had happened at the beginning. It was unreported. And then when she goes back there to confront them about the marks, they start telling her about the use of force, but there's nothing that says anybody used a flashlight. Then she comes back and says, "It was Deputy [redacted] that used the flashlight; he wants to talk to you."

Hines: But don't –

[redacted] Now I've got a named suspect of potential criminal violation for what he did. Now I'll settle this, you know, in a – in a bundle here.

Hines: Okay.

[redacted] Okay. After this entire thing was over with, there was that question raised, "Why didn't you do this at this certain point in time?" And it's simply because I didn't think about it. What I was thinking about was – was protecting the best interest of the Department as well as the employee. And what I learned later is, is that what I could have done is when the deputy came to talk to me and said, "Time out, if you wish to talk to me, you're going to do it freely and without a representative because you have certain rights provided to you. One of those are administrative rights to have a representative, or if I have to Mirandize you for a potential criminal act," I didn't think of that until after this thing was all over.

Hines: Sergeant Morejon, any questions?

Morejon: On that or just –

Hines: Anything.

Morejon: Anything.

Hines: Yeah.

Morejon: I'm going to jump around here. I've just been writing as you talked. You said when you were in this debriefing, one of the last things you said to them was, "If there's any force, it's not too late to report it." What made you feel that you had to put that out to them? Did you have a gut feeling that maybe there was force used in this

thing? I mean you see where I'm coming from?

[redacted] Yeah. It's been my experience, that most vehicle pursuits, foot pursuits, there is force used. To what degree, there's usually force used at the end of that thing, okay. But that wasn't my primary reason to make that statement. My primary one was, is "Look, I'm going to be held accountable for my actions for allowing the pursuit to continue to the 756 mark" And then when the suspect rammed my deputy, it's a completely kind of different game, you know. I've got a – I've got a suspect out there that deliberately tried to hurt a deputy sheriff knowing who he was. And so my focus of attention was on that to make sure that we were going to document this thing, that the deputies told the truth. And if they would have said, "Hey, Lieutenant, we want to report force to you now," I still would have made the same phone calls because initially, upon Sergeant [redacted] response to the end of the pursuit, she asked them, "Was force used?" They told her no. She told me that she didn't view any significant marks on this guy to lead her to believe that force was used. But I knew I was going to be scrutinized for the – for the force. I mean, I'm sorry, for the pursuit and the foot pursuit, so let's document it; let's do the right thing for the right reasons. Then the heads went down. Red flag, something's not right here. I went to the jail and talked to the inmate.

Morejon: This might have been answered somewhere in the first interview [unclear].

Hines: Okay.

Morejon: When you went to the jail and you saw the circular bruising on his chest, did you ask him what that was or where that came from?

[redacted] No.

Morejon: Did you ask the inmate?

[redacted] No.

Morejon: No. As soon as you – well the red flag comes up in debriefing, now you go into the – into the jail and you see – well the inmate tells you that force was used and you see possible evidence that force was used. Did it ever cross your mind now at this time, you already said you're thinking now the red flags are going up, maybe there was force, unreported force here. Did you ever think of maybe either telling [redacted] or now having the deputies – now having the deputies come to you to get them – to get them – to give you a sta – give you a statement as a Watch Commander, "Now, hey, let's get these guys in here and have them run this arrest by me now"?

[redacted] No.

Morejon: Why not now?

[redacted] Other than the disassociation that I've got a potential administrative violation, I went back to the office and started making notifications at that point in time.

Morejon: Do you think that would have been a good time to maybe bring him in and say – at least the handling deputy and have him run the whole incident by you and see if maybe –

[redacted] Yeah. In retrospect, that's an option. I didn't think of it.

Morejon: Okay.

[redacted] I wasn't looking at that.

Morejon: All right.

[redacted] But absolutely. In retrospect, that's a very good point. I could have done that.

Morejon: Okay. During the hour that you said [redacted] was gone, I guess you can say, from the time you told her, "Hey, go talk to the deputies," during this hour, do you know where the deputies were?

[redacted] No.

Morejon: Did you know that they were in the parking lot talking about the incident?

[redacted] No.

Morejon: I guess the last question I have, I think to sum it all up, was there any conspiracy on your part or any supervisor there at that station, to cover up any force done by these deputies?

[redacted] Absolutely not. And to reiterate that once again, had I not taken the action that I took with the Sergeant when I saw the original red flag – we've got several flags here. The original red flag, when I saw the demeanor the deputies changed during the debriefing, had I not done my responsibility and go talk to – there was no reason for me to go talk to him. Policy says, you know, if you go clearly by the policy, if you use force, you report it to an immediate supervisor. Significant force, the sergeant

tells the Watch Commander. The Watch Commander goes talks and interviews the inmate. Watch Commander gets medical attention for the inmate. So had I – had I just listened to what the deputy said originally – you know, what came about from this thing is the use of force is a – was a side issue. I was concerned about the pursuit, the foot pursuit, and deputies telling me that no force was used, until the first red flag went up and they didn't make eye contact with me. And I realized I got a problem here. And I went back and I talked to the inmate. And I looked at him physically. I only saw the two marks. From a guy that was beaten with flashlights and batons and kicked by a deputy's boot, you would think you would see bruising, scuff marks on the shirt, something to indicate that force was used. I saw nothing other than the two, the potential of possible third mark on his chest being jabbed with what I believed to be a flashlight. And I told the Sergeant, "We've got a discrepancy here. Go find out why. And I'm going to my office to start making the phone calls." Because when I saw the marks, I believed there was a policy violation and I was making the calls. And I think that night, I made six phone calls to the Captain as well as to Lieutenant Greg Johnson of IAB, of what we had.

Morejon: During that night at – any time that night, did you ever find out the reason after they had finally said, "Yeah, I used a flashlight; yeah, I possibly used it after he was handcuffed," did you ever find out the reason why the flashlight was used?

[redacted] Not until I read the complaint report, possibly a day or two after. And – and two days ago when I was a Subject, I went to look for my notes to recount what had happened and I read the complaint report, did I ever find out the reasons why. You going to ask me about the complaint report? It's not true. I don't believe that. This is what I believe. The deputy was involved in a – in a collision where his life was nearly taken and he's mad and he's angry. And at the end of that pursuit, I believe the guy initially went to ground. Deputies probably jumped on him. Is that force? Yeah, that's significant force, but they should have reported it. And while they had him handcuffed, they were bringing him out, and now the deputy arrives and he's pissed and he uses the butt end of that flashlight. That's what I believe. That's what I believe today. And that's what I'll believe tomorrow.

Morejon: I got no further questions.

Hines: Lieutenant [redacted] that's all the questions that we have for you. Is there anything that we haven't asked you that you feel is important for us to know or anything that you feel that we need to know regarding this investigation?

[redacted] No. I just – I'd just like to go over the sequence again as far as – again, my mind-set, when I learned that the deputy used the flashlight and he wanted to talk to me, I

learned of it, and moments later, the deputy came in to me and, again, I believe I had a – minimally, I've got an administrative violation. And when I'm told that a flashlight is used on a handcuffed prisoner and I don't see any other marks other than what I saw of him, the three jabs, I believe that there might have been a criminal act. Having worked ICIB, where you Mirandize suspects when you're going to ask them questions, and I've got the minim – minimally, the administrative violations, I chose to protect the deputy's rights, the Department's rights from screwing this thing up, and telling him to seek advice from counsel. I gave him 30 minutes to do that. And my notes say that I – we talked at 0345 hours, and at exactly 4:15, he comes back to me and he explains to me that he's tried to call his counsel, that there was this interruption or the desk had hung up on his counsel, but it was right at the time that I told him to be back. So at 4:15, he hadn't quite made contact with his rep. When he comes back to tell me that, because I told him to be back in 30 minutes, to the minute, he's back to me and he explains this to me. I then tell him, "You got a couple extra minutes; it's not going to kill us now," basically. "Go contact your attorney; go call him 'cause he's trying to make efforts to you." And now he comes back and says he wants to exercise his right and not talk. Okay. What I could have done in retrospect that I wasn't thinking throughout the entire time of this incident was I could have sat him down based on my training at IA and ICIB and explained to him, "If you wish to talk to me, you're doing so freely without a representative being present." I didn't think of that. That wasn't an option I had. It's been brought to my attention. I accept that as an option. And I still don't, to this point in day, think I violated anything of policy. So with that I'll end it.

Hines: All right. With that, we'll go off the record. The time now is 1129 hours.

WITNESS TRANSCRIBED INTERVIEWS

WITNESS INTERVIEW
(with Internal Affairs Bureau)

IAB CASE NUMBER IV2101944

SERGEANT [redacted] #[redacted]
Pico Rivera Station
Field Operations Region III

Sergeant [redacted] was interviewed at Pico Rivera Station on October 11, 2003, at 1745 hours by Sergeants William Hines and Elier Morejon. The interview was tape recorded and transcribed as follows:

IAB Note: At the time of the interview she was only a Witness. On December 7, 2004, she was made a Subject in this investigation.

Hines: Today's date is October the 11th. The time now is 1745 hours. Sergeant Bill Hines, with me is my partner, Sergeant Elier Morejon. We are still at Pico Station continuing our investigation on an incident that occurred last night after a pursuit where force was used. We're getting ready to interview Sergeant [redacted] Is that correct?

[redacted] That's fine.

Hines: Give us your full name, spell your last name, and then give us your employee number, please.

[redacted] [redacted]

Hines: And before we went on the record, you had the opportunity to read and sign the Admonition for Witnesses. Is that correct?

[redacted] Yes.

Hines: And did you have any questions regarding that form?

[redacted] No.

Hines: Last night, Deputies had a pursuit. You, what position, what were you working last night?

[redacted] 150-[redacted] as the Field Sergeant.

Hines: 150-[redacted]. What time did your shift start?

[redacted] 2200.

Hines: All right. Deputies were involved in a pursuit. Is that correct?

[redacted] Yes.

Hines: At some point you monitored that pursuit?

[redacted] Yes.

Hines: And then the pursuit terminated?

[redacted] Correct.

Hines: When that pursuit terminated, where were you?

[redacted] I was at the end of the, I was the last car in the pursuit.

Hines: From the point that the pursuit terminated, give us the sequence of events. Tell us, tell us what happened from the point that, that it terminated.

[redacted] Okay. The pursuit terminated at Pico Vista and Rushmore. I heard over the radio that the suspect had, had a traffic collision. And he went running from the car. And he had run westbound on Rushmore. So when I stopped my car, I was at the corner of Pico Vista and Rushmore. And the suspect had already run off, 'cause when I got out of the car, I looked down the street and I could see, you know, all the radio cars, and I could see deputies, but I couldn't see the suspect at that time.

Hines: Do you know how many car, patrol cars were in front of you?

[redacted] I would say probably three.

Hines: All right. Go ahead.

[redacted] And so when I came out of my car, I was right at the corner of where the suspect had abandoned his vehicle. I went by that vehicle, cleared it, made sure I'm not running by somebody. And then I headed down to where the pursuit had, where the foot pursuit had terminated. But before I got halfway down the street, maybe it was about, I'd say five houses or six houses down from the corner, they already had him handcuffed and they were walking him back toward the radio cars.

Hines: All right. So it's fair to say at the termination of the pursuit, you did not witness the handcuffing of this suspect?

[redacted] That's correct.

Hines: And you didn't witness any force being used on the suspect?

[redacted] Correct.

Hines: Including strikes with fists, feet or flashlights?

[redacted] Correct.

Hines: Tell us what happened next.

[redacted] I went, I went to all the deputies that were around and asked them if they were okay. You know. Giving them the once over, making sure physically they were okay. Everyone said they were fine. And then I, I asked who, you know, who was the one that caught him. 'Cause you can't tell. And I spoke with Deputy Callahan first. And he said that he had chased him along with Deputy Morris, and they had caught up to him, when he got cornered. Like he went on the side of the house and there was a fence. He tried to get over the wall and he couldn't get over. And that's where they, they caught up with him.

Hines: Callahan and Morris are the ones that caught up to him?

[redacted] Yes.

Hines: Do you know that their, what cars they were working?

[redacted] I believe Callahan was 151-[redacted]. And Morris was William-515. He's a GET Deputy.

Hines: All right. Go ahead.

[redacted] Then I asked him, was there, was there force used? You know. What happened when you guys came in contact with him? He said that they were behind him. The guy ran. And he ran into the fence. You know. Then he tried to get over it. Like kind of a weak attempt, 'cause he grabbed the top and tried to climb over it. And knew that he couldn't make it over. So he said the guy put his hands up on his head and went down to his knees. They grabbed him there. You know. They went to the grass. And then they handcuffed him and brought him out.

Hines: And they said that was all the force that was used?

[redacted] Yes.

Hines: Did they mention to you about the suspect trying to head butt anybody?

[redacted] No.

Hines: Did anybody tell you that they struck the suspect on the sides or in the back with their fists?

[redacted] No.

Hines: I need you to speak up.

[redacted] I'm sorry.

Hines: You have kind of a soft voice. No mention of strikes with a flashlight?

[redacted] None.

Hines: How about kicks?

[redacted] None.

Hines: All right. For this point, do you have any questions?

Morejon: Yeah. Well, you said you, at this point you've only spoke to Callahan, right?

[redacted] Yes.

Morejon: So Callahan tells you that, he doesn't actually say that he used force, right? He says that, he just tells you in the manner that they arrested him, he tells you that the suspect tries to get over the wall?

[redacted] Uh-huh (AFFIRMATIVE).

Morejon: And then the suspect on his own put his hands behind his back?

[redacted] And goes down to his knees.

Morejon: Behind his hand, behind his head. The suspect on his own goes to his knees?

[redacted] Uh-huh (AFFIRMATIVE).

Morejon: And then they handcuff him?

[redacted] Yes.

Morejon: So in your mind, was that force?

[redacted] Well, in my mind, I thought it could have been, you know, kind of like a take-down because they got control of him. But he said the grass is all wet. We all slipped there. So they kind of like fell to the ground. So when I went over there and looked after, it was, it was really wet. So it was pretty reasonable that you would slip on that.

Morejon: Did he, did he seem like he was reporting force to you or just telling you what, what they did?

[redacted] Like he was telling me what they did.

Morejon: All right.

Hines: It was your understanding then, that no force was used? Is that correct?

[redacted] That was my understanding, yes.

Morejon: Did any other, did you talk to any other deputies concerning this same thing, about using force out there?

[redacted] I, I did. But it wasn't at that time. It wasn't, you know, right at that time after I talked to Callahan. 'Cause we were just in a mess. It was people everywhere.

Morejon: But you eventually talked to other deputies prior to coming to the Station?

[redacted] Yes.

Morejon: Regarding that?

[redacted] Yes.

Morejon: And who was that?

[redacted] I talked to Deputy Morris and his partner, Deputy Perez.

Morejon: Perez?

[redacted] Yes.

Morejon: What did, did you talk to them together?

[redacted] Yes.

Morejon: And what did they tell you?

[redacted] They told me the same, virtually the same thing. That the guy had, you know, put his hands up and that, you know, they all kind of fell to the ground when it was wet there, and he was hooked up, and brought out.

Hines: How about Canfield?

[redacted] Canfield? I mean, I remember seeing him out there. We didn't talk about any force issue because my initial thing was that it was just Morris and Callahan that were involved in handcuffing him and bringing him out.

Hines: Then it was your understanding that Perez, Morris, I'm sorry. Perez, Canfield and how do you pronounce [redacted]

[redacted] [redacted]

Hines: [redacted]

[redacted] That's hard.

Hines: Was, was he, and you saw him there?

[redacted] I saw him there.

Hines: Did you have any conversation with him?

[redacted] I had a conversation with him because he was the one that was 245'd during the pursuit. I checked on him, making sure he was okay. You know. How, how much damage was there to the vehicle and those kind of things. He didn't say anything about...

Hines: Force?

[redacted] ...any kind of force, or that he was involved in that.

Hines: Do you specific, do you remember if you specifically asked each one of these deputies, "Did you use force?" Not that you're obligated to. They're obligated to report the force to you.

[redacted] No. I know. I'm trying to think, because before I left there, I asked. I had Callahan and I had Morris and I had Perez.

Hines: Callahan, Morris and Perez.

[redacted] And I asked them, 'cause we were kind of, everyone else was kind of leaving and things were getting cleared up. But I asked them again, you know, how it went, how it went down when they, when they hooked, caught up with the suspect. And again, they told me that. I said okay. I don't remember if I specifically said, "Well, did you use force?"

Hines: Right.

[redacted] I don't remember if I said that.

Morejon: Now who told you, then, again the same thing? Was it just one guy talking or kind of all of them?

[redacted] Just kind of all of them.

Hines: Now you earlier said it was kind of a mess and there was a lot of people there. Now are we talking more than Callahan, [redacted]

[redacted] [redacted]

Hines: [redacted] Perez, Morris and Canfield? And I understand there was an Explorer there?

[redacted] That were, all around, the whole scene?

Hines: Right.

[redacted] There were multitude of people. We had a lot of (TALKING OVER).

Hines: But is this after the suspect is already in custody?

[redacted] Oh, yes. This is after.

Hines: I'm only concerned on who would have been a potential witness or a deputy that would have used force at that time. Now are these the only ones?

[redacted] The only ones that I would know of to right now, yes.

Hines: Is it fair to say then that, that you were behind these deputies as the pursuit, the foot pursuit starts, and anybody later comes after you, after you?

[redacted] Is after the foot....

Hines: The guy's already handcuffed? So no other Deputies have any involvement in, in arresting this suspect?

[redacted] That's what I was told, and that's what I....

Hines: What did you observe?

[redacted] What I observed, they were too far down. They were too many houses down when I got out of my car. So when things started coming....

Hines: But I mean....

[redacted] ...he was already handcuffed and brought out to the street. So I don't know if anyone else was up there.

Hines: Am I making myself clear? I'm not. You, you get out of your car, and then I know they're down the street. But you, and, but you immediately go to where these guys are?

[redacted] Uh-huh (AFFIRMATIVE).

Hines: When you arrive, do you see more, right there in that area, than, than these five guys?

[redacted] Yeah. There's a lot of deputies out there on the street, 'cause when...

Morejon: Yeah, because you don't....

[redacted] ...we brought him out to the street, there's a lot.

Morejon: Right. Whoa. Yeah. Because you don't...you get there. Let me see if I can picture this.

Hines: That'll be good on the tape.

Morejon: Huh?

Hines: That'll be good on the tape.

Morejon: Yeah. You, you, when you get there, you get out of your car, and they're gone. Every, all the deputies....

[redacted] They're already.

Morejon: ...are in front of you. The three cars and the suspect are running. They're gone?

[redacted] Correct.

Morejon: And all you see is deputies, right?

[redacted] I, what I see when I come out, like I told you. I cleared the car. I looked down. And I see them coming out with a suspect.

Morejon: After you clear the car?

[redacted] After I clear the car.

Morejon: Does, does the....

[redacted] I'm still in the corner of the street.

Morejon: So they actually come to you?

[redacted] They come.

Morejon: To the sidewalk?

[redacted] They come down. Well, they're coming down to the middle of the street where all the radio cars are parked.

Morejon: By this time they're all arriving?

[redacted] Correct.

Morejon: They weren't there when you got there? They're now arriving right after you? Right?

[redacted] Yes. Well, I would say they probably arrived at the same time.

Morejon: Same time?

[redacted] 'Cause there was a lot of units out there. And they weren't in the pursuit. So they started coming down the street this way, where I came down the street...I was coming south, and right to, you know, that street you could only go west on it. And that's where the pursuit ended. But other units were coming from the other side now, 'cause they knew this guy was going to ground. So there was other people.

Hines: Well, what we're trying to determine, [redacted] is, is there, from what you saw...

[redacted] Uh-huh (AFFIRMATIVE).

Hines: ...was there any other deputies that could have possibly witnessed the suspect being arrested?

[redacted] Yeah, there could have been.

Hines: There could have been?

[redacted] There could have been. But I....

Hines: And you don't know who they are?

[redacted] I couldn't determine, no. I was too far away.

Hines: And no one else, no one else reported the...no one reported the use of force to you?

[redacted] No.

Hines: Or witnessing force?

[redacted] No. At that time.

Hines: That's, that's correct?

[redacted] That's correct.

Hines: All right. So now the guy's hooked up. Do you examine the suspect out in the field?

[redacted] He's in the radio car and I, you know, cracked the window and looked at him, and you know, asked him how he was. I didn't notice...Sergeant Lawrence was out there, and he said that he had a bloody nose. I didn't see it. He said he saw a little bit of blood in his nose. But his face, I mean, from what I could see, his face and everything, he was sweat, you know, sweaty, obviously. And a little bit of grass on him. But no visible injuries. Nothing like that.

Hines: You didn't see any visible in....

(END OF SIDE A, BEGINNING OF SIDE B)

Hines: Did you talk to him at that point?

[redacted] I talked to him as for a matter of seconds.

Hines: Did... what did you say?

[redacted] I asked, you know, hey, are you okay? Yeah. You know. Kind of like, I'm okay. Yeah.

Hines: He didn't say anything at that point? He didn't say he was hit or kicked or....

[redacted] He, I think he did say he was hit, but he didn't say...he didn't elaborate. He was really jacked up at that time. He was still....

Hines: Jacked up meaning?

[redacted] Wound up from, you know, running in the car and then running on foot. He was still....

Hines: So you think he might have said that he'd been hit?

[redacted] Uh-huh (AFFIRMATIVE).

Hines: But you didn't elaborate any on it?

[redacted] No.

Hines: And then what happens?

[redacted] Then, then people start clearing out. They start clearing out. That's when Sergeant Lawrence told me that he saw some blood on his nose.

Hines: Was Sergeant Lawrence there?

[redacted] Sergeant Lawrence was there. I think he was there after the, you know, after the termination.

Hines: He got there....

[redacted] Because I didn't see him during the time until after. I saw him up there. And he said he saw blood on his nose. And, oh, that...did he say something about his nose? I'm not sure if he said something about his nose. But I went out to the car, the suspect car, and I looked at it. 'Cause I thought maybe during the crash or whatever, maybe he hit his face and that would account for his, his nose. And there was a little drop of blood. Just about big as the top of this pen on the steering wheel. And I saw that. And I said, well, if he got a bloody nose, that could be inducive of him hitting

himself or just maybe dripping on there. And I'm sorry. Indicative of that. And then everybody just started clearing out. And we were all gonna come back to the Station.

Hines: Everybody that was involved in the pursuit?

[redacted] Everybody that was involved there.

Hines: And being the ones that were involved in the pursuit, are the names of the ones that we've already named, right?

[redacted] Yes, yes.

Hines: Callahan, Perez, [redacted] Morris and Canfield?

[redacted] Yes.

Hines: And do we know the Explorer's name? Did I already ask that?

[redacted] I don't know it. I didn't realize at the time that he had an Explorer with him.

Hines: And who was it that had an Explorer?

[redacted] It was [redacted] 'Cause I asked Callahan, and Callahan told me he had someone earlier in the night who had gone home. So he was alone. And these two were partners, Perez and Morris. And then I believe Canfield was a one-man unit. And [redacted]

Morejon: It's in the report.

Hines: All right. So are you given direction by the Watch Commander to 10-19?

[redacted] Yeah. [redacted] tells me to call him. I call him. And he said okay. Have everybody come in. We're, we're gonna debrief.

Hines: Great. So now you get into the Station. And tell us what happens.

Morejon: Hold on. Before we get to the Station, while you're on the, in the field, does the Watch Commander have you call him?

[redacted] Yes.

Morejon: And do you guys talk about any use of force?

[redacted] I told, I told him how he was arrested. And I said that, you know, they went down to the ground. They, to, when they handcuffed him. You know. And I was told, because of the wet grass, that they slipped and went to the ground to handcuff him. And the guy told me that, well, that's after the fact. Go ahead.

Morejon: So do you, do you report any use of force to the Watch Commander, you know, for your deputies do...? Or do you tell him basically, there was no use of force? Do you remember?

[redacted] Well, all I tell him, this is how they told me the arrest was made. I don't specifically say, this is use of force, whatever. I just said this is how.

Hines: Did you feel any force was used?

[redacted] I, I didn't feel that at the time, no.

Morejon: In your mind, you were not...you weren't gonna do a force package?

[redacted] No. 'Cause it seemed reasonable to me at the time that, that's how the arrest was made.

Hines: All right. So you get to the Station. Tell us about that.

[redacted] Get to the Station. The Lieutenant's already talking to some people, 'cause I was out there for awhile.

Hines: When you say he's talking to some people....

[redacted] He was just like talking in the hallway. Talking to some deputies.

Hines: Not these deputies?

[redacted] Just some deputies that were in here. Not specifically, I don't think those. So then I came in and he said, we wanna debrief. So we all went into the briefing room. And sat down. It was all the deputies here that, names you have listed. Myself. The Lieutenant. And Sergeant Grote was there as well.

Hines: Sergeant Grote?

[redacted] She's the Watch Sergeant.

Hines: She's the Watch Sergeant?

[redacted] She was the Watch Sergeant last night.

Hines: And what did you discuss?

[redacted] And he talked to them about the pursuit and gave them his reasons why he allowed the pursuit to continue and what his mind-set was. Why he, you know, why it did continue and, and then after the 245, he, you know, he kept it going.

Hines: Right.

[redacted] Because it was safe and because there wasn't a lot of traffic out there. And so he went through his....

Hines: Right.

[redacted] His feelings on the pursuit. Give them the opportunity if they had questions or whatever to, to respond to him.

Hines: Where's the suspect at this time? Is he in a booking....

[redacted] He's in the jail.

Hines: He hasn't been taken to the hospital?

[redacted] No.

Hines: All right. All right. Go ahead.

[redacted] And then the Lieutenant asks, "Do we have, do we have any force?"

Hines: Had the Lieutenant talked to the suspect at this point?

[redacted] No. I, I don't know if he had or not. To my knowledge, I don't think he had. But I don't know if he had talked to him independently or not.

Hines: All right. So the Lieutenant says, has there been any, anybody use any force?

[redacted] He asked again, do we have any force to be reported to, to talk to me. To, you know, to tell me about it. 'Cause we have, you know, all our reports to do and stuff. So we look around. And, 'cause I know I looked around. The Lieutenant looked around. Sergeant Grote looked around. And no one says they have any force to report.

Hines: Now what, what's their reaction? Are they just sitting there staring at you, or do they have a reaction, looking down at the floor or....

[redacted] My, my feeling. Is that they were, you know, a little bit, avoiding the eye contact a little bit.

Hines: For purposes of the tape, you're looking down towards the floor and lowering your eyes. Is that fair assessment?

[redacted] That's fair. That's fair.

Hines: So nobody admits force. Nobody reports force. Then what happens?

[redacted] Then we walked out of the briefing room, and the Lieutenant said he was going to, he was...I could see him. It's real close right there. He was walking into the jail. I said, "Are you going to talk to the suspect?" He said, "Yeah, I'm going to talk to him." So we each put our gun away, and I follow him into the jail.

Hines: And these guys are still in the briefing room?

[redacted] And they're in the briefing room.

Hines: Is Sergeant Grote still in or she come out to....

[redacted] She, I think she came out too. She might have been in the Watch Sergeant's office. But she didn't go with us into the jail.

Hines: All right. So the deputies are still in the briefing room?

[redacted] Yes. They're in the briefing room. And the Lieutenant and I go into the jail. And the suspect is in, I think, the Cell is B, one of the front booking cages. And he was on the phone. The Lieutenant asked him to hang up the phone. And then we started talking to him. And then he, he said....

Hines: The Lieutenant asked him what happened I assume?

[redacted] The Lieutenant asked him what happened and asked him, you know, why didn't you stop when the deputies were, you know, were following you. And, and why did you run type thing.

Hines: Right.

[redacted] I, I think that's along his, his questions there. I didn't say anything. I let him, you know. He was, he was speaking with him. And then when we got to....

Morejon: Sorry. Was any of this recorded?

[redacted] No.

Hines: Not, no tape and no video?

[redacted] No.

Hines: Go ahead.

[redacted] I think, I, I don't know. He just, I guess he was just gonna walk in and look at, look at the guy. You know.

Morejon: There's no report of force.

[redacted] Yeah.

Hines: And there's no allegation...

[redacted] Yeah, there was no....

Hines: ... of any injury or anything else?

[redacted] Correct. So he was just gonna....

Hines: So he's just asking him what happened?

[redacted] So he was, I think he was just gonna look at him and talk to him. And so he does. And then the inmate says that he, he said he was, I believe he said he was punched and kicked. Punched and kicked. And he was showing us his face. He said here, here, here. So we were both looking at his face. And telling him, turn around. Let

me see the side of your head. Let me see all these visuals. And you really couldn't see any evidence of that. You know. If someone says they get kicked in the face, there'd be some sort of mark.

Hines: Sure.

[redacted] Or....

Hines: Yeah.

[redacted] Scrape or something. But we couldn't see any evidence. So then, I think he said he was hit. I think he said, might have said he was hit like in the chest area. Lieutenant said, take your shirt off. So he takes his shirt off. And we both could see some, couple of marks, kind of in a circular fashion on his chest. Like sternum area, I guess, right here. And we both see that. And I don't remember if the inmate says how he got that. I don't remember what the inmate said at that time. And so then we had him turn around and look at his back and look at everything. We didn't really see anything else on him. And....

Hines: Do you remember the Lieutenant, if either you or the Lieutenant said, how did you, how did that happen?

[redacted] You know, the Lieutenant might have asked him. I know I didn't. But I don't remember if he asked him or not.

Hines: All right.

[redacted] I just remember we saw the marks. So then when we stepped out, Lieutenant asked me, you know, did you see those marks? I said yeah. Or Lieutenant, before we stepped out, I, I had seen one, but I'm short. And he said, he saw two. So I went back up and made the guy step back, 'cause I can't, you know, I can't see in the cage. And so then we could see there was like two semi-circle type red marks. Yeah. I said okay. So we stepped out. And when we stepped out, the Lieutenant said, you know, "It looks like flashlight." And I said, you know, I agree with that. And he said, "I want you to go back to those guys and tell them that you see some, you know, visible injuries on him, and you wanna know how those happened. And if they have to report any force." And so I did as I was instructed. They were all still in the briefing room. Told them what I saw. And told them what my direction from the Lieutenant was. And I said, "So you guys need to, you know, you need to think about whatever you need to tell me, and come back to me." And they said, "Okay."

And I walked out. So some time later, and I'm not sure how much time later, but I would say maybe....

Hines: Well, is it more than a half an hour?

[redacted] I would say around half an hour. Maybe 30, 35 minutes or something like that.

Hines: All right.

Morejon: You know, before we get too far. What did you tell those guys in the briefing room? What did you tell them?

[redacted] I told them that I saw two like semi-circle red marks on the guy's chest. Chest area.

Morejon: And did you tell them what they appeared to be?

[redacted] I told them it appeared to be like a flashlight jab. That's, 'cause I've seen that before, and that's what that appeared to be to me.

Morejon: Did you tell them what the suspect said?

[redacted] I told them the suspect said he had been hit. I'm sure I told them the suspect said he had been punched and kicked. And I think, I could have sworn, maybe that he said that he was hit with the flashlight, jabbed with the flashlight or something. But, I'm not certain at that time.

Morejon: And when they, you said eventually they said okay, you know, whatever...you said you guys need to talk about this or think about this?

[redacted] Uh-huh (AFFIRMATIVE).

Morejon: And was there one particular person that said that or was there like, you know, one spokesman for the group or was....

[redacted] No, there wasn't.

Morejon: Just the group in general?

[redacted] It was the group in general.

Hines: And they don't say anything when you say this?

[redacted] No.

Hines: They don't, nobody volunteers anything at that point?

[redacted] No.

Hines: And are they still having that same look on their face? Are they looking down, or are they having eye contact?

[redacted] They're just, they're just there. They're just, I wouldn't say looking around. They were just listening to me.

Hines: All right.

Morejon: And you said this was about how much, how much time had elapsed from the time you guys had left? You know. You left them first, went to, went to the suspect, talked to him....

[redacted] And then went back?

Morejon: And then you went back.

[redacted] I would say maybe 15 minutes.

Morejon: And why, I mean, you might not know, but what I, was there a reason that they were still just sitting there?

[redacted] They were all starting to write their reports. 'Cause they all had to supp the 49 for their involvement.

Morejon: So they tell you this. And you go ahead and you tell them, think about this.

[redacted] Uh-huh (AFFIRMATIVE).

Morejon: And then you leave?

[redacted] Yes.

Hines: And now 30 minutes later, what happens?

[redacted] Then, I don't remember, one of the Deputies came back to me and said....

Hines: You don't know which one?

[redacted] I don't remember. Let me see.

Hines: You say you've been here how long?

[redacted] Five months.

Hines: Do you know everybody yet?

[redacted] I, I have a good hand on the early morning guys. Not always all the other shifts. But I mean, I'm pretty comfortable with them. I mean, with who the people are.

Hines: But I was just trying to figure....

[redacted] I'm trying to....

Hines: ...if that was the reason why you didn't, can't remember who it was?

[redacted] No, I, I remembered it was one of them. I don't wanna put, you know, a name that I'm not certain of.

Morejon: Well, can we break it down? Was it one of the GET guys? Was he wearing a polo shirt?

[redacted] No, no. It wasn't. Wasn't one of the GET guys. I don't remember. It had to be either Callahan or [redacted] But I don't remember which one at the, you know. Right now I can't remember which one said that they wanted to talk to me. And I said okay, I'll be....

Hines: They all wanted to talk?

[redacted] They wanted to talk to me. So I said okay.

Morejon: Where did he tell you this at?

[redacted] It was right by the Watch Sergeant's office. 'Cause I was in and out of the office right there. It's, you know, it's real close to there.

Morejon: So they sat in there for half an hour? Before they came to you?

[redacted] I think they went outside. I think they went outside. I'm not certain of that, because I was in the middle of my mix, trying to get my tapes and paperwork together.

Morejon: Right. What makes you think they went outside?

[redacted] Because someone, 'cause I think they said, we're gonna go outside. I think initially when I told them. But I didn't physically see them go outside. But I assume they did. So....

Hines: So they said they wanna talk to you?

[redacted] They wanna talk to me.

Hines: So now what?

[redacted] So we go back into the briefing room. And it's all these Deputies. Just these deputies here that, that were involved.

Hines: The five?

[redacted] Those five. And I sit down with my notebook. And, okay, talk to me. You know. Tell me what, what happened. And [redacted] told me that he had jabbed the guy with the flashlight. He said those marks, you know, probably from me 'cause I...I don't know if he used that term, but he, you know, jabbed the guy with the flashlight. And then I said, you know, I want the sequence of events. Who caught up to him? Who was where? Who was whatever.

Hines: Before you go too far. Is he the first one that spoke?

[redacted] I believe so.

Hines: And did he say, or did you ask him why he jabbed the suspect with the flashlight?

[redacted] I did ask him. But I don't know the sequence. I know when I asked them, you know, one guy said he was here and here. And what they did. But I don't know if I asked them specifically at that time, you know, when he first mentioned it.

Hines: And he didn't volunteer as to why? He just says, "I jabbed the guy with the flashlight?"

[redacted] He did. He said....

Morejon: Would this be written down in your notebook, what he said?

[redacted] No. I just had for the force paper, you know, you say so and so had the right arm. So on the left arm. My little notes said that. But I don't remember what he said initially then. I, I don't remember what he said now.

Hines: All right. So then at this point they all, they all start telling you what force that they did use?

[redacted] Right. And then....

Hines: What was the story then?

[redacted] The, the story was that the guy had given, had put his hands up. And they went to, they went to handcuff him, but he was squirrley. He was moving around. He wouldn't...he put his hands up, but that he wouldn't submit to getting his hands behind his back.

Morejon: Up behind his, behind his....

[redacted] Behind his head.

Morejon: Head?

[redacted] But he wouldn't, he, he wouldn't give his arms up to be handcuffed.

Morejon: And he was on his feet or on his knees or....

[redacted] He was on his, I believe at that time he was on his stomach. But that's what they said. He wouldn't, he wouldn't, like he wouldn't give up his hands. He did put them

up, but he wouldn't give up his hands. And they couldn't get control of his arms to get them behind his back.

Morejon: But he's laying down on the ground?

[redacted] But, yes. I believe he was laying down on the ground. So I think [redacted] did say, [redacted] did say that the guy was up and they couldn't get his hand. That's what...I think he was still upright somehow. I don't think standing. I think he was maybe kneeling. But he was still upright somehow. And that they couldn't get control of his hands. So that's why he, he....

Hines: Couldn't get control of his hands, so then he jabbed him with the flashlight?

[redacted] So he jabbed him with the flashlight. And the other guys said that they had punched him like in the side of the ribs to try to get him to give up his hands. So that's when I went through, okay, who was on the right side. Who had the right arm? Who had the left arm You know. What did you have? And he said, I had the, you know, this arm, and I punched him on the side a couple of times, you know, trying to get him to give up his hand. And another guy had another arm.

Hines: Do you remember who said what?

[redacted] I have that written down.

Morejon: Oh, we'd better go get that.

Hines: Yeah. We'll get...we'll have you get that. For purposes of the tape, she made some notes and we'll get that. Now very important. Did you ask any of them why didn't you tell me this in the first place?

[redacted] I didn't.

Hines: You did not?

[redacted] I did not.

Hines: Why not?

[redacted] No reason.

Hines: All right, then what happens? Do you tell the Lieutenant what they told you?

[redacted] Then, correct. Then I, you know, 'cause they give me this information and then I go back to the Lieutenant. I say okay, Lieutenant this is what they said. And I, I tell him the story. And he says okay. So, now, now it's been reported, the force that was used. And I said yes. And he said okay. So after that, I went to, oh, then I went back to my paperwork and now I have a force that I have to write up, so I get a camera with a tape to go do a suspect interview.

Hines: And you've given us that?

[redacted] Yes.

Hines: And what does he say on tape?

[redacted] Well, I go to him....

Hines: Well, I guess the tape will speak for itself, you don't need to get into that, but basically does he tell you...?

[redacted] Basically he says that he was punched and kicked and he says, he talks about his face, and he talks about his torso a little bit. He says nothing about his legs.

Hines: Then does he say that when he, when the deputies first came around he, he stopped. He didn't try....

[redacted] He says he tried to get over the wall, he couldn't get over. And I said did you struggle with them when they were trying to handcuff you to get you in, and he said he didn't.

Hines: All right, what happens after you interview the suspect on tape?

[redacted] You want me to tell you what he said to me or what...?

Hines: No, well the tape will speak for itself. We don't need to ask anything about that do we?

Morejon: No, the suspect interview?

Hines: Yeah.

Morejon: No.

Hines: We don't care, I mean, whatever he said to you on tape we have on tape, so we don't have to be redundant. After the interview is over with the suspect what happens? What do you do?

[redacted] As soon as the interview is over I go to the Lieutenant and give him the information that the suspect told me, and I said I believe there's a discrepancy and he directs.....

Hines: What was your feeling of, you felt there was a discrepancy as far as?

[redacted] As when he was struck with the flashlight.

Hines: All right. Had the deputies when they find, I forgot to ask you this, when they finally were telling you the story, and they tell you that the, that the one deputy who did use the flashlight, when he tells you that he hit the suspect with the flashlight, did he say that the suspect was handcuffed or not?

[redacted] No, he said... he did not say that. He said that they were trying to get his hands, control his hands behind his back.

Hines: Handcuffed, and that's, that's why he struck him with the...

[redacted] Yes.

Hines: ...the flashlight, okay. So it was your understanding at that point then the flashlight was used in order to get the suspect to stop resisting, stop fighting, resisting and for them to handcuff him.

[redacted] Yes.

Hines: All right, but the suspect tells you he's already handcuffed when he gets struck with the flashlight?

[redacted] Yes.

Hines: And now you go and tell the Lieutenant you think there's a discrepancy, now what happens?

[redacted] The Lieutenant directs me to speak to Deputy [redacted]

Hines: Keep going.

[redacted] So I go and I find him and I tell him...

Morejon: Speak to him about what? The discrepancies.

[redacted] Speak to him about the discrepancy. So I do and I walk up to him in the hallway, and I tell him I want to talk to him and he said can we step outside, I said okay. We walk out the back door and I tell him the allegation that the suspect has made and you know he, he kind of thinks about it or I don't know takes it in and then he looks at me and says, "Yeah, I could've hit, you know, after he was handcuffed."

Hines: I could've?

[redacted] Yeah.

Hines: He doesn't ever, does he leave it at that or does he ever finally say, "Yeah I hit him when he was handcuffed?"

[redacted] He says, "I hit him." He says, "I hit him" and I just said, you know, okay. And then you know he wants to know like kind of what do I do type thing, and I said I can't tell you what to do. I just, I need to tell the Lieutenant what you told me, and he told me well you know what I want to talk to the guys and I want to talk to the Lieutenant. I said, like I said, I, I can't tell you what to do, what not to do. I'm letting you know that now I have to bring this information to the Lieutenant. So, he said I'm gonna talk to the Lieutenant. I said okay. So I walked back in the sation and I told the Lieutenant, and I told him he was gonna come see him and he said okay. And then he, he talked to him later.

Hines: So any other discussion? At that point that was basically your end of it? I mean you're not involved in any other part. Once he tells you that you relay that to the Lieutenant do you get any other information or any other stories?

[redacted] No.

Hines: What are you directed to do at that point from the Lieutenant?

[redacted] Nothing. He said that he's going to make his notifications after he talked to Deputy [redacted]

Hines: Okay did Deputy [redacted]

[redacted] Well, he said he's going to talk to Deputy [redacted] then after that he'd tell me.

Hines: All right, do you know if this, or what point Deputy [redacted] goes and talks to the Lieutenant?

[redacted] It was probably, I don't know exactly how long, but I bet you it was, 10 minutes later or something like that.

Hines: He goes into the Lieutenant's office?

[redacted] Um-hmm (AFFIRMATIVE).

Hines: Sergeant Morejon?

Morejon: While you, when you, when you were in the field with the deputies, do you believe that there was plenty of opportunity for them to run this force by you in the field? Was there enough chance and enough opportunity for them to do this?

[redacted] Yes.

Morejon: Out there? And again, same question as it pertains to in here when before, when you guys were doing the debriefing, there was plenty opportunity for them to tell you then what happened?

[redacted] Yes.

Morejon: And they didn't?

[redacted] Correct.

Morejon: Just one quick thing on the suspect, was there a reason that the suspect, when the bloody nose was seen, was not taken for medical attention?

[redacted] I didn't see it. I didn't notice it when I talked to him, so when I looked at his face, his face looked okay, it didn't look like he had any injuries or anything visible that I, that I had seen. I was just told of that after I, you know, had, and I didn't walk back to the suspect and look at him. But when I looked at him initially I didn't see any

visible injuries to his face or any other part of his body, so I didn't think there was anything urgent.

Morejon: But there was blood in the car?

[redacted] There was a drop.

Morejon: Was he ever taken to the hospital?

[redacted] Yes.

Morejon: When?

[redacted] After he was back here and after I had interviewed him. After I had interviewed him then I had one of the, a different deputy not involved in this take him to Beverly Hospital to be examined.

Morejon: And do you know what the results of that were?

[redacted] Well, the deputy called me before he left and said the, the doctor reported that he had muscle soreness and abrasion to his, I'll say chest.

Hines: Did the Watch Commander ever interview the suspect on tape or video? Or he just delegate...?

[redacted] Not that I'm aware of.

Hines: He delegated you to do it? Is that it? Elier?

Morejon: Yes. Have you, have you had a chance to read the deputies reports?

[redacted] No.

Morejon: No?

Hines: Do you know who approved their reports?

Morejon: It looks like Anderson.

[redacted] I, I saw one had a signature of Anderson and one had a signature of Escandol, when I handed you guys the copies, I didn't...

Morejon: All right.

[redacted] ...they were the day shift, they were the relief on day shift.

Hines: We may have some more questions for you after we get into this a little bit more. Just to clear up some minor details and we're only, you know, trying to get the, the first part of this so...

Morejon: Well, it probably wasn't done because you didn't think there was any use of force but I'll ask you anyways, was there any canvassing done out there in the field when you were out there of any possible witnesses to this?

[redacted] I went to the [redacted] of, he was when they caught up with him he was on the side of a house on the west side of this house, garage is a little narrow pathway I want to say but, with a gate. And so I went to the door and I asked the man who was at the door, he kind of met me at the door and I asked him you know, "Hi, did you see anything? Did you hear anything?" He goes, "No, I was asleep, my wife was watching TV she heard, you know, the noise and she thought she had heard like a gunshot or something" But it was probably the guy hitting the fence, you know, it was like a boom. And then, he said she woke him up so he came out and he, he talked to me and then I walked him to the side and I said, you know, you want to look at the fence and look does everything look right, is there anything and he goes no, there's, everything's fine. I went to look at the fence you know is there any struggle stuff, blood, any, anything. I didn't see anything out there. And I spoke with him and then there were [redacted] outside on the house [redacted] to the, to the west and so I went out there and I spoke with them and, and they said the same thing. They didn't really see anything. They heard the sirens and they, we kept doing like loops, so they saw the cars going by and stuff and they also heard a, a bang and that was it. You know.

Morejon: Do we have their names?

[redacted] I have them.

Hines: We'd like to get your notes for what the deputies told you. Each one that they did and then the names of people that you talked to out there. All right, do you have anything to add that we haven't asked you?

[redacted] No.

Hines: All right, it's, we'll go off the record it's 1825 hours.

BH/EM:WCI:pg
IAB IV 2101944 [redacted] -IAB

WITNESS INTERVIEW
(with Internal Criminal Investigations Bureau)

IAB CASE NUMBER IV2101944

SERGEANT [redacted] #[redacted]
Pico Rivera Station
Field Operations Region III

Sergeant [redacted] was interviewed at Pico Rivera Station on October 12, 2003, at 0148 hours by Internal Criminal Investigations Bureau investigators, Sergeants Ron Schram and Henry Garza. The interview was tape recorded and transcribed as follows:

IAB Note: At the time of the interview she was only a Witness. On December 7, 2004, she was made a Subject in this investigation.

Schram: The date is October 12th, 2003, and the time is approximately 0148 hours. We're at Pico Rivera Station. My name is Sergeant Ron Schram of Internal Criminal Investigation Bureau with my partner, Henry Garza. And speaking to Sergeant [redacted] Were you the Field Sergeant on, on the, I believe it's the 11th, or the 10th actually?

[redacted] Yes. It's still the 10th then and yes.

Schram: And during that pursuit, correct?

[redacted] Correct.

Schram: And if I recall from, from your interview with, with the Internal Affairs, Sergeant Hines, the deputies initially did not, they denied any use of force at the end of the foot pursuit. Is that correct?

[redacted] Yes. They said that they just caught up to the guy and they all kind....

(END OF SIDE A, BEGINNING OF SIDE B)

Schram: I recall hearing something on the tape where you, you go up and look at the suspect?

[redacted] Yes.

Schram: And you don't see any blood on his, on his nose?

[redacted] No.

Schram: And, and you talked to him briefly?

[redacted] Yes.

Schram: Did he make any statements at all?

[redacted] I think, I believe he says that he gets hit. He gets hit.

Schram: What did you take that to mean? That perhaps force was used on him?

[redacted] I didn't...I really didn't take it to mean anything. I figured he struggled, you know. Trying to get his hands behind his back. That's what I, that's what I assumed it to be.

Schram: It was just his interpretation of things and....

[redacted] Right.

Schram: And you'd already been told that no force was used and...okay. So I see. Did, and you went over, you checked the vehicle, and you found a spot of blood where?

[redacted] Right on the steering wheel next to what I think was the cruise control button. Cruise control button on the left...the steering wheel might have been turned. I think it was the left side. And there was just a drop of blood there.

Schram: Do you know, apparently this, this suspect ran into one of your deputies, correct?

[redacted] Yes.

Schram: Which deputy was that?

[redacted] [redacted]

Schram: And did, did you happen to do a TC report, a supervisor's investigation on that?

[redacted] I, I haven't yet, but then I was told not to do a supervisor's TC 'cause it was a 245. I mean, there's some other forms I have to do, but I don't think it's considered a TC. It's more like an incident or something.

Schram: Right, right.

[redacted] I haven't started any paperwork.

Schram: And were you aware that, that there was an Explorer in the car as well?

[redacted] I didn't realize there was one. I know now that there was one. But then I didn't know.

Schram: Do you know if, do you know, do you know which Deputy took a TC report or....

[redacted] For?

Schram: For the, for the....

[redacted] For him hitting the radio car?

Schram: Yes.

[redacted] There was no TC report.

Schram: There still was no TC report?

[redacted] I was told because it was intentional that it was not a TC. I haven't had one of these yet.

Schram: At some point, yeah, well, okay. When, once briefing was over and I believe Lieutenant [redacted] goes and talks to the suspect, correct?

[redacted] The debriefing, you mean?

Schram: After the debriefing?

[redacted] Uh-huh (AFFIRMATIVE).

Schram: He goes and talks to the suspect. Is that correct?

[redacted] A follow-up interview, yes.

Schram: And the suspect starts saying that force was used on him and showing, indications that perhaps that was true?

[redacted] Yes.

Schram: And then do you at any time talk to these deputies individually, or is it as a group?

[redacted] As a group.

Schram: As a group. And, and how long is it after you talked to them that someone comes forward?

[redacted] I went back and talked to them, and told them what I had seen. I would say maybe 30 minutes. I'm not certain of the times.

Schram: Do you remember who it was that came to you?

[redacted] May not have been that long. I'm not certain. I believe it was [redacted] I believe it was him. But I'm not certain if it was or not.

Schram: You, apparently you took some notes. Was it at that point in time?

[redacted] Yes.

Schram: And what, what is it you have in a spiral ring note, is that what you usually use?

[redacted] I always have like an emergency one.

Schram: Sure.

[redacted] In case I need to take some notes in my bag. And it's, I just put who said they were on what side and kind of a little bit of the scribble of what they did. What they reported to me.

Schram: And what does it say exactly?

[redacted] I have Callahan on the right arm with two punches to the right rib area. Morris with the left arm with two punches. [redacted] I put jab twice, and that's my verbiage just so I would know what it was. Canfield handcuffed. And Perez left rib area.

Schram: And did they give you any other details?

[redacted] They said some...I'm sure more details than what I wrote here, but I had anticipated going to the reports to get my final. This is just like a preliminary.

Schram: Right. Do, how, how long you been assigned at Pico Rivera Station?

[redacted] Five months.

Schram: Five months? And where did you work prior to that?

[redacted] IRC.

Schram: IRC. And then as a deputy, how long ago were you promoted?

[redacted] I was promoted in January of 2001.

Schram: 2001? And where, where did you work patrol?

[redacted] Norwalk.

Schram: Norwalk? How long were you there?

[redacted] Four years.

Schram: So you, you'd used force as a deputy in the field and reported force?

[redacted] Uh-huh (AFFIRMATIVE).

Schram: And, and that type of thing? How many force packages have you done here?

[redacted] Here? I, I've just done one, I believe.

Schram: Just one, one prior to this? This incident?

[redacted] Here, yes.

Schram: It, would it, is it...I guess what I'm asking, wondering too, is it a common habit to talk to, with the force things to do it collectively or individually? Was this done as a group?

[redacted] This was done as a group because they, they were as a group in the briefing room. And, and they called me in and I just went in and they started telling me.

Schram: Did you see a problem with the fact that they, they didn't report any force? How much time was it between the incident and, and when you're finally taking this information? Is it a couple of hours?

[redacted] I would think so.

Schram: Do you see a little bit of a problem with that? As it pertains to the Deputies?

[redacted] Yeah, I see a problem with it. I was just going as I was directed. Just continue on with my investigation.

Schram: Is there any other notes there that pertain to this?

[redacted] I don't think anything you would want, other than the people I went to see, the neighbors, at the...this is before anything, I know of anything. But Sergeant Hines told me to tell you about them. I spoke to the [redacted] whose house it actually terminated at, 'cause it was between the house, and then also the [redacted] to the [redacted]. I just have their names and addresses.

Schram: Do we have any independent witnesses that we're aware of?

[redacted] No, 'cause both of them said they just heard something inside their house, and they heard the sirens and stuff and, you know.

Schram: What I'm gonna need, I need you to, to tear those out for me and, and let me have those. Okay?

[redacted] And then how am I supposed to write my reports?

Schram: We'll, we'll....

Garza: We'll make a copy of them then.

Schram: Yeah. We'll make you a copy. I'll just, I just need the originals. If you want to make a copy first and then give it to me, that's fine.

[redacted] Okay.

Schram: That'd be helpful. Is there anything in your sense of this whole thing that we need to know? As it relates to the deputies? I know it was crazy there.

[redacted] Oh, yeah it was.

Schram: There were a lot of, a lot of deputies and a lot of things going on. But has anybody, any of the deputies come up to you and talked to you afterwards or....

[redacted] No. Everyone's just, you know, kind of wandering, wandering around. Because you know, it's unfortunate that, that it's like this right now. 'Cause everything initially that was told to me and what I visually saw there was very reasonable. It was all reasonable. And I had no reason to doubt it.

Schram: We'll conclude this, this interview at approximately 0159 hours.

RS\HG:WCI:pg
IAB IV 2101944 [redacted] -ICIB

EXHIBIT A



LEROY D. BACA, SHERIFF

COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT

INTERNAL CRIMINAL INVESTIGATIONS BUREAU

LEADERSHIP AND TRAINING DIVISION

FILE NO. 403-00076-2003-054

CLASSIFICATION: ASSAULT UNDER COLOR OF AUTHORITY - 149 P.C.

VICTIM)S): GALAZ, FERNANDO MELENDEZ III, MH/23

SUSPECT(S):
#1. [redacted] DEPUTY SHERIFF #[redacted]
#2. CALLAHAN, ERIC G.- DEPUTY SHERIFF #[redacted]
FIELD OPERATIONS REGION III/ PICO RIVERA STATION
#3. MORRIS, DANIEL R. - DEPUTY SHERIFF #[redacted]
#4. PEREZ, ARTHUR "MARK" - DEPUTY SHERIFF #[redacted]
OFFICE OF HOMELAND SECURITY/SAFE STREETS BUREAU

COMPLAINANT/ INFORMANT: MARVIN O. CAVANAUGH, CHIEF
FIELD OPERATIONS REGION III
SANDRA S. HUTCHENS, CHIEF
OFFICE OF HOMELAND SECURITY

DATE/TIME: OCTOBER 10, 2003 (FRIDAY) AT 2331 HOURS

LOCATION: [redacted] RUSHMORE STREET, PICO RIVERA, CA 90660

INVESTIGATOR(S): SERGEANT RON W. SCHRAM [redacted]

CONTENTS NOTED R.A. KUSCH, LT.
02-12-04

COPY: INVESTIGATOR

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
INTERNAL CRIMINAL INVESTIGATIONS BUREAU
LEADERSHIP AND TRAINING DIVISION
403-00076-2003-054

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SECTION I
COMPLAINT REPORT

COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT - INCIDENT REPORT

DATE: OCTOBER 16, 2003 **FILE NO.:** 403-00076-2003-054

C: ASSAULT UNDER COLOR OF AUTHORITY - 149 P.C. **ACTION:** ACTIVE

V: GALAZ, FERNANDO MELENDEZ III MH/23

I: RODRIGUEZ, JUAN, CAPTAIN

D: 10-10-2003 (FRIDAY) AT 2331 HOURS

L: [redacted] RUSHMORE STREET
PICO RIVERA, CALIFORNIA 90660

S#1: [redacted] DEPUTY #[redacted]
PICO RIVERA STATION

S#2: CALLAHAN, ERIC G., DEPUTY #[redacted]
PICO RIVERA STATION

S#3: MORRIS, DANIEL R., DEPUTY #[redacted]
SAFE STREETS BUREAU

S#4: PEREZ, ARTHUR "MARK", DEPUTY #[redacted]
SAFE STREETS BUREAU

****

On October 15, 2003, Captain Rodriguez, Pico Rivera Station, requested the assistance of the Sheriff's Internal Criminal Investigations Bureau in conducting an investigation into an allegation of assault under the color of authority at the conclusion of a vehicle and subsequent foot pursuit. Sergeant Ron Schram was assigned to investigate and document facts in confidential supplementary reports under the above file number.

BY: SERGEANT RON W. SCHRAM, [redacted]
APPROVED BY: LIEUTENANT ROD A. KUSCH, [redacted], 10-17-2003, 1354 HOURS
INTERNAL CRIMINAL INVESTIGATIONS BUREAU
LEADERSHIP AND TRAINING DIVISION

SECTION II
SUPPLEMENTAL REPORTS

COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT - SUPPLEMENTARY REPORT

DATE: OCTOBER 29, 2003 **FILE NO.:** 403-00076-2003-054

C: ASSAULT UNDER COLOR OF AUTHORITY - 149 P.C.

ACTION: ACTIVE / INVESTIGATION CONDUCTED / INTERVIEWS CONDUCTED

V: GALAZ, FERNANDO MELENDEZ III MH/23

D: 10-10-2003 (FRIDAY) AT 2331 HOURS

L: [redacted] RUSHMORE STREET
PICO RIVERA, CALIFORNIA 90660

S#1: [redacted] DEPUTY #[redacted]
PICO RIVERA STATION

S#2: CALLAHAN, ERIC G., DEPUTY #[redacted]
PICO RIVERA STATION

S#3: MORRIS, DANIEL R., DEPUTY #[redacted]
SAFE STREETS BUREAU

S#4: PEREZ, ARTHUR "MARK", DEPUTY #[redacted]
SAFE STREETS BUREAU

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The purpose of this report is to provide summaries of interviews conducted by Internal Affairs Bureau Sergeants William Hines and Elier Morejon on October 11, 2003.

On October 11, 2003, Sergeants William Hines and Elier Morejon responded to Pico Rivera Station regarding an immediate Internal Affairs Bureau investigation. During the initial investigation, Victim **FERNANDO MELENDEZ GALAZ III** was interviewed at 1714 hours. The interview was audio tape recorded and the following is a summary of that interview.

Mr. Galaz said that he was pursued by deputies the prior night (October 10, 2003). At the end of the vehicle pursuit, Galaz exited his car and ran down the street a distance of about

three houses. He ended up between the sides of two houses and tried to jump a fence. He could not get over the fence so he turned around and saw deputies running toward him. Galaz said he went down on his knees, laid down on the ground and put his hands behind his head, while interlacing his fingers. His feet were straight behind him. Galaz said he did this because he felt it would be better to just lay down on the ground.

Mr. Galaz said at that point, the first deputy arrived and grabbed Galaz' hands. Galaz said he then felt "blows from every direction" to his ribs and kicks to his face/head area. Galaz said he kept his face straight down in the grass. He then felt a shoe placed forcefully on his neck. He continued to feel "blows" to his body from his waist up. He described the "blows" as kicks and punches. Galaz said he was kicked on the right side of his face near his eye. Although there was no sign of injury, Galaz said the area was sore to the touch. Galaz estimated that he was kicked and/or punched eight to fifteen times. After about one minute, Galaz was handcuffed. The deputies then got him to his feet. As he was stood up, two deputies moved to the side and another deputy came forward and struck him with the "butt end "of a flashlight about three times in his abdomen. Galaz described the strike as a "jab." Galaz said that he was struck with the flashlight while he was handcuffed. The deputy that struck him said something to him, however, Galaz could not recall what was said.

The deputies then took him to the station. He said he was at the station for about three hours before he was taken to a hospital and treated by a doctor.

When asked if the deputies ever said anything to him while he was on the ground, Galaz said the deputies made comments such as, "You want to run fucker? You want to run? We got you now!" Galaz said he did not say anything to the deputies and was never given any orders by the deputies. Galaz said he never struggled or fought with the deputies, nor did he ever "lunge" at a deputy. He added that he did not tense his arms in an effort to prevent being handcuffed. Galaz also said that he did not make any movements, nor did he attempt to get away from the deputies or try to "head-butt" a deputy.

Mr. Galaz estimated between four and seven deputies were present when he was on the ground. He said that he could not identify the first deputy that reached him because he was down on the ground. Galaz said however, that he could describe the deputy that hit him with the flashlight. He described this deputy as a White male, approximately six feet tall with "blondish-brown hair." The deputy was wearing a uniform as opposed to some of the others who were wearing green shirts. Galaz recalled that two deputies were wearing the green polo shirts.

Investigators saw three red circles on Galaz' upper abdomen area and took photographs. Galaz indicated that his neck, back, sides and abdomen were sore at the time of the interview.

On October 11, 2003 at 1745 hours, Sergeant Morejon and I interviewed Sergeant [redacted] The interview was audio tape recorded and the following is a summary of her interview.

Sergeant [redacted] was the Field Sergeant at the time of the incident (October 10, 2003) and she was assigned to Unit 150[redacted] She started her shift at 2200 hours. During her shift, deputies were involved in a pursuit. At the termination of the pursuit, Sergeant [redacted] said she was the fourth and last patrol unit in the pursuit. The pursuit ended at Pico Vista Road and Rushmore Street in Pico Rivera. She heard over the radio that Mr. Galaz had been involved in a traffic collision and had run westbound on Rushmore Street. She stopped her unit at the intersection of Pico Vista Road and Rushmore Street. When she got out of her patrol car, she looked down the street and saw the deputies in a foot pursuit with Mr. Galaz, but she could not see Mr. Galaz from her position. She "cleared" Mr. Galaz' car as she walked by it to ensure that no one else was in the car. She then headed down the street toward the termination of the foot pursuit. Sergeant [redacted] estimated that she was only about half way down the street, when she saw the deputies walking the handcuffed suspect back toward her and the other radio cars. She did not witness the arrest and/or handcuffing of Mr. Galaz.

At this point, Sergeant [redacted] went to all of the involved deputies, Deputies Callahan, Morris, Perez, [redacted] and Canfield and asked them if they were all right. She added that she checked them over to ensure that they were all physically okay. All the involved deputies told her that they were "fine." She then asked the deputies "who caught" Mr. Galaz. Deputy Eric Callahan (Unit 151[redacted] told her that he, along with Deputy Daniel Morris (Gang Enforcement Team Unit [redacted]515), had caught up to Mr. Galaz when Mr. Galaz had attempted to go over a fence between two houses. Sergeant [redacted] said she then asked Deputy Callahan if force was used on Mr. Galaz. Deputy Callahan told her that they were behind Mr. Galaz and that Mr. Galaz ran into the fence. Mr. Galaz then tried to climb over the fence, but was unable to make it over the fence, so Mr. Galaz put his hands up on his head and went down to his knees. The deputies then grabbed Mr. Galaz and they went down onto the grass and handcuffed Mr. Galaz.

Sergeant [redacted] said that none of the deputies told her that Mr. Galaz tried to "head-butt" any of them. None of the deputies told her that they struck Mr. Galaz on his back or sides with their fists. None of the deputies mentioned "strikes with a flashlight" or "kicks."

At this point, it was Sergeant [redacted] understanding that no force was used during the arrest of Mr. Galaz. She did not feel that Deputy Callahan reported force to her. She felt he was just telling her about the arrest. She first thought that the deputies possibly had used a "take down" to control Mr. Galaz, however, Deputy Callahan told her that the grass was wet and that they all "slipped" there and fell on the ground. She walked over to the

area of the arrest and did see that the grass was wet and that it was reasonable that the deputies and suspect might have slipped to the ground.

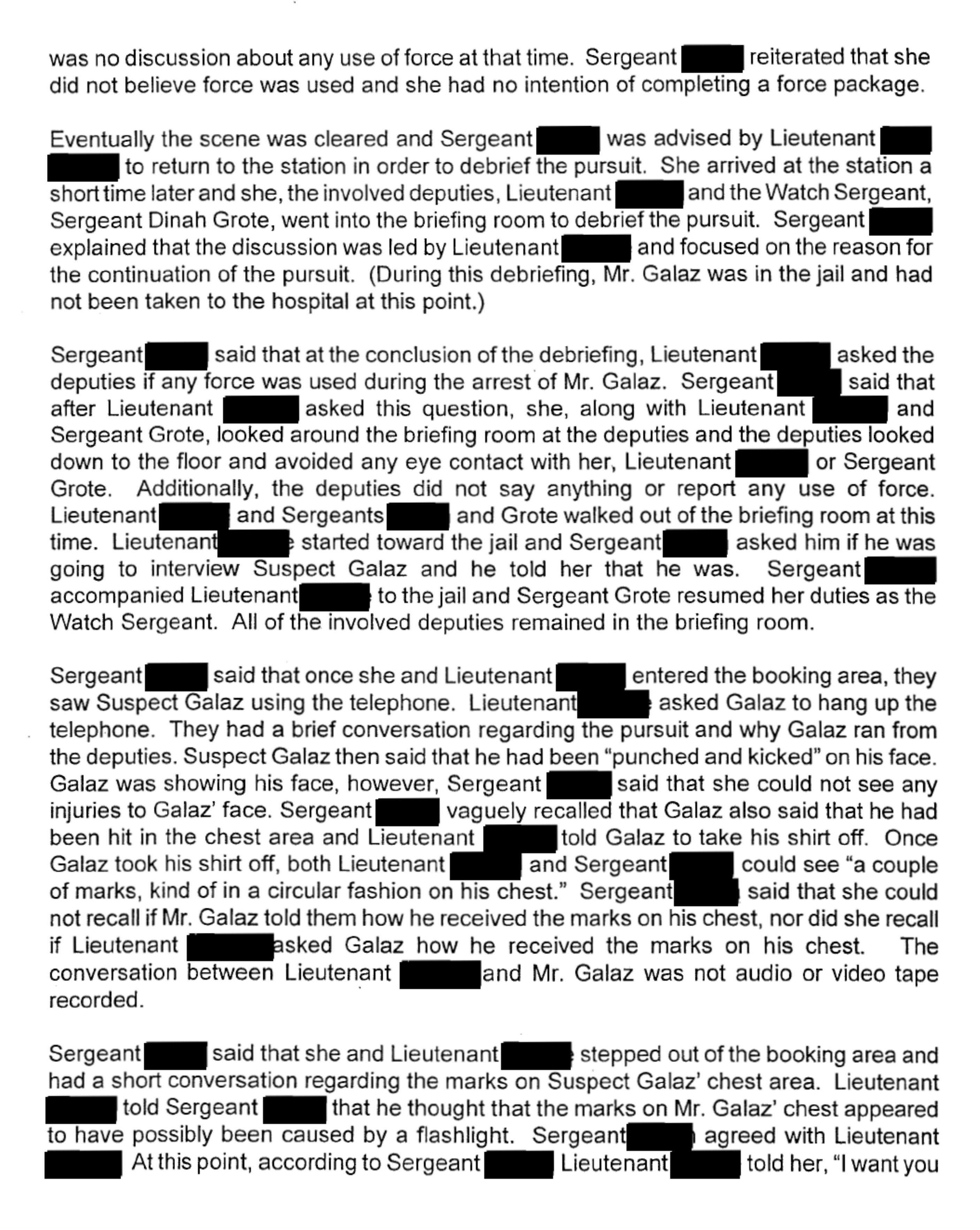
Sergeant [redacted] said that she did not talk specifically to any of the other deputies at this time and ask them if they used force. The reason that she did not specifically talk to any of the other deputies at this point was because she did not feel that force had been used, since Deputy Callahan did not report any to her and the fact that regarding the whole scene, in her words, "We were just in a mess. There were people everywhere." Eventually, while still at the scene, she did talk with Deputy Daniel Morris and his partner, Deputy Mark Perez. She said she talked to them together. They told her essentially the same as what Deputy Callahan had told her (i.e., that Mr. Galaz had put his hands up and they all kind of fell to the ground because of the wet grass). Mr. Galaz was then handcuffed without any further incident.

At this time, Sergeant [redacted] did not talk to any other deputies at the scene because she felt that only Deputies Callahan and Morris were involved in the handcuffing and arrest of Mr. Galaz. She had a brief conversation with Deputy [redacted] regarding the pursuit, but not the use of force and Deputy [redacted] did not tell her that he used force during the arrest. Sergeant [redacted] added that there were other deputies at the scene of the arrest, however, she did not recall who they were. No deputies reported using force or witnessing force to her at the scene.

At one point while still at the scene and while Mr. Galaz was handcuffed and sitting in the backseat of a radio car, Sergeant [redacted] looked in and asked Mr. Galaz how he was doing. She did not notice any blood on his face, nor any other injuries. She saw that Mr. Galaz was "sweating" and had grass on him. Sergeant [redacted] added that Sergeant Robert Lawrence, of Safe Streets Bureau, also arrived at the scene earlier and said he had seen a small amount of blood around Mr. Galaz' nose. Sergeant [redacted] re-emphasized that she did not see any blood on Mr. Galaz' face. Sergeant [redacted] later looked inside Mr. Galaz' car and noticed a very small drop of blood, about the size of "the top of a pen" on the steering wheel.

When asked if she specifically talked with Mr. Galaz, Sergeant [redacted] said that she asked Mr. Galaz if he was okay and he told her that he was. Sergeant [redacted] said she thought Mr. Galaz did tell her that he had been hit, however, he did not elaborate because he was "jacked up," or "wound up" from running from the deputies. She did not question him at this point.

Sergeant [redacted] said that at some point while still at the scene, the Watch Commander, Lieutenant [redacted] requested Sergeant [redacted] to call him. She telephoned Lieutenant [redacted] and she advised him what the deputies had told her regarding the arrest. There



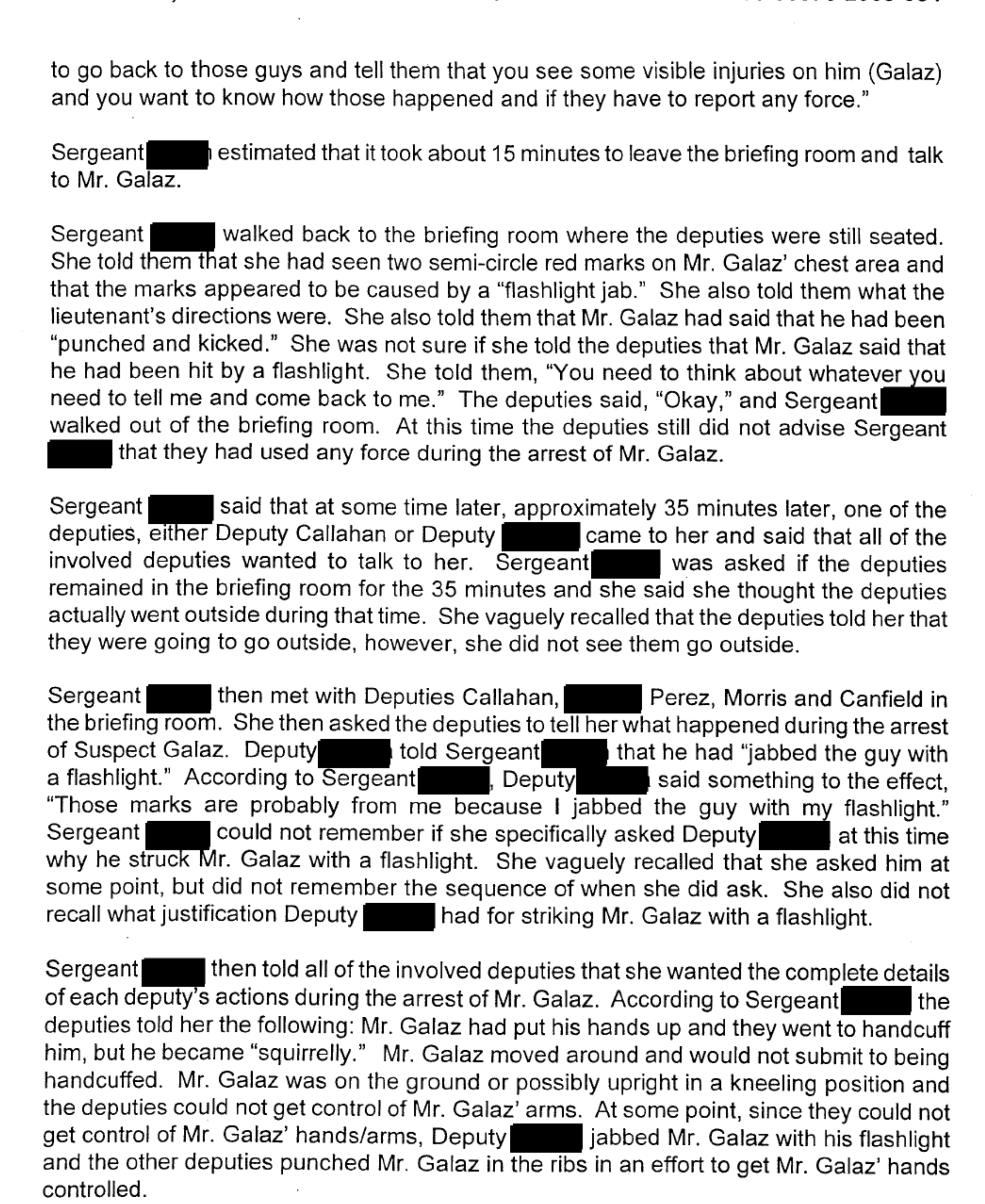
was no discussion about any use of force at that time. Sergeant [redacted] reiterated that she did not believe force was used and she had no intention of completing a force package.

Eventually the scene was cleared and Sergeant [redacted] was advised by Lieutenant [redacted] to return to the station in order to debrief the pursuit. She arrived at the station a short time later and she, the involved deputies, Lieutenant [redacted] and the Watch Sergeant, Sergeant Dinah Grote, went into the briefing room to debrief the pursuit. Sergeant [redacted] explained that the discussion was led by Lieutenant [redacted] and focused on the reason for the continuation of the pursuit. (During this debriefing, Mr. Galaz was in the jail and had not been taken to the hospital at this point.)

Sergeant [redacted] said that at the conclusion of the debriefing, Lieutenant [redacted] asked the deputies if any force was used during the arrest of Mr. Galaz. Sergeant [redacted] said that after Lieutenant [redacted] asked this question, she, along with Lieutenant [redacted] and Sergeant Grote, looked around the briefing room at the deputies and the deputies looked down to the floor and avoided any eye contact with her, Lieutenant [redacted] or Sergeant Grote. Additionally, the deputies did not say anything or report any use of force. Lieutenant [redacted] and Sergeants [redacted] and Grote walked out of the briefing room at this time. Lieutenant [redacted] started toward the jail and Sergeant [redacted] asked him if he was going to interview Suspect Galaz and he told her that he was. Sergeant [redacted] accompanied Lieutenant [redacted] to the jail and Sergeant Grote resumed her duties as the Watch Sergeant. All of the involved deputies remained in the briefing room.

Sergeant [redacted] said that once she and Lieutenant [redacted] entered the booking area, they saw Suspect Galaz using the telephone. Lieutenant [redacted] asked Galaz to hang up the telephone. They had a brief conversation regarding the pursuit and why Galaz ran from the deputies. Suspect Galaz then said that he had been "punched and kicked" on his face. Galaz was showing his face, however, Sergeant [redacted] said that she could not see any injuries to Galaz' face. Sergeant [redacted] vaguely recalled that Galaz also said that he had been hit in the chest area and Lieutenant [redacted] told Galaz to take his shirt off. Once Galaz took his shirt off, both Lieutenant [redacted] and Sergeant [redacted] could see "a couple of marks, kind of in a circular fashion on his chest." Sergeant [redacted] said that she could not recall if Mr. Galaz told them how he received the marks on his chest, nor did she recall if Lieutenant [redacted] asked Galaz how he received the marks on his chest. The conversation between Lieutenant [redacted] and Mr. Galaz was not audio or video tape recorded.

Sergeant [redacted] said that she and Lieutenant [redacted] stepped out of the booking area and had a short conversation regarding the marks on Suspect Galaz' chest area. Lieutenant [redacted] told Sergeant [redacted] that he thought that the marks on Mr. Galaz' chest appeared to have possibly been caused by a flashlight. Sergeant [redacted] agreed with Lieutenant [redacted] At this point, according to Sergeant [redacted] Lieutenant [redacted] told her, "I want you



to go back to those guys and tell them that you see some visible injuries on him (Galaz) and you want to know how those happened and if they have to report any force."

Sergeant [redacted] estimated that it took about 15 minutes to leave the briefing room and talk to Mr. Galaz.

Sergeant [redacted] walked back to the briefing room where the deputies were still seated. She told them that she had seen two semi-circle red marks on Mr. Galaz' chest area and that the marks appeared to be caused by a "flashlight jab." She also told them what the lieutenant's directions were. She also told them that Mr. Galaz had said that he had been "punched and kicked." She was not sure if she told the deputies that Mr. Galaz said that he had been hit by a flashlight. She told them, "You need to think about whatever you need to tell me and come back to me." The deputies said, "Okay," and Sergeant [redacted] walked out of the briefing room. At this time the deputies still did not advise Sergeant [redacted] that they had used any force during the arrest of Mr. Galaz.

Sergeant [redacted] said that at some time later, approximately 35 minutes later, one of the deputies, either Deputy Callahan or Deputy [redacted] came to her and said that all of the involved deputies wanted to talk to her. Sergeant [redacted] was asked if the deputies remained in the briefing room for the 35 minutes and she said she thought the deputies actually went outside during that time. She vaguely recalled that the deputies told her that they were going to go outside, however, she did not see them go outside.

Sergeant [redacted] then met with Deputies Callahan, [redacted] Perez, Morris and Canfield in the briefing room. She then asked the deputies to tell her what happened during the arrest of Suspect Galaz. Deputy [redacted] told Sergeant [redacted] that he had "jabbed the guy with a flashlight." According to Sergeant [redacted], Deputy [redacted] said something to the effect, "Those marks are probably from me because I jabbed the guy with my flashlight." Sergeant [redacted] could not remember if she specifically asked Deputy [redacted] at this time why he struck Mr. Galaz with a flashlight. She vaguely recalled that she asked him at some point, but did not remember the sequence of when she did ask. She also did not recall what justification Deputy [redacted] had for striking Mr. Galaz with a flashlight.

Sergeant [redacted] then told all of the involved deputies that she wanted the complete details of each deputy's actions during the arrest of Mr. Galaz. According to Sergeant [redacted] the deputies told her the following: Mr. Galaz had put his hands up and they went to handcuff him, but he became "squirrelly." Mr. Galaz moved around and would not submit to being handcuffed. Mr. Galaz was on the ground or possibly upright in a kneeling position and the deputies could not get control of Mr. Galaz' arms. At some point, since they could not get control of Mr. Galaz' hands/arms, Deputy [redacted] jabbed Mr. Galaz with his flashlight and the other deputies punched Mr. Galaz in the ribs in an effort to get Mr. Galaz' hands controlled.

She then asked each deputy to describe each of their particular actions and as they did, she made notations in her notebook as to what each deputy's actions were.

Sergeant [redacted] was specifically asked if she had asked the deputies why they had not reported force to her in the first place and she said that she had not. She did not have a reason for not asking.

After Sergeant [redacted] gathered this information from the deputies regarding the force, she returned to Lieutenant [redacted] and advised him of what she had been told by the deputies. Lieutenant [redacted] acknowledged this information and Sergeant [redacted] proceeded with a force investigation. Sergeant [redacted] went back to the jail and now interviewed Suspect Galaz on video tape. Mr. Galaz reiterated that he was punched and kicked by the deputies. Mr. Galaz denied struggling with the deputies. Mr. Galaz also alleged that while he was handcuffed, a deputy struck him with a flashlight. (The video tape of Mr. Galaz' interview was submitted to ICIB investigators.)

Sergeant [redacted] said that after interviewing Mr. Galaz and obtaining this new information that Mr. Galaz alleged that he was struck while handcuffed, she went to Lieutenant [redacted] and told him that there was possibly a "discrepancy" as to when Mr. Galaz was struck with a flashlight and that he was alleging that he was struck while handcuffed. At this point, Lieutenant [redacted] directed Sergeant [redacted] to go back and speak to Deputy [redacted] about the possible "discrepancy" of when Mr. Galaz was struck with a flashlight.

Sergeant [redacted] located Deputy [redacted] in the hallway and told him that she needed to talk to him. Deputy [redacted] asked her if they could "step outside." They both walked out the back door of the station and Sergeant [redacted] told Deputy [redacted] what Mr. Galaz had alleged. According to Sergeant [redacted], Deputy [redacted] thought "about it" for a moment, then he looked at Sergeant [redacted] and said, "Yeah, I could have--after he was handcuffed." He then admitted that he did in fact hit Mr. Galaz after he was handcuffed. Deputy [redacted] then asked Sergeant [redacted] what he should do and Sergeant [redacted] told him that she could not tell him what he should do. She then told Deputy [redacted] that she had to tell Lieutenant [redacted] what he [redacted] had told her. Deputy [redacted] then told Sergeant [redacted] that he wanted to talk to the "guys" and then talk to Lieutenant [redacted] Sergeant [redacted] then walked back into the station and told Lieutenant [redacted] what Deputy [redacted] had told her, and that he [redacted] wanted to talk to him. Lieutenant [redacted] acknowledged this information and told Sergeant [redacted] that he was going to make his notifications after he spoke to Deputy [redacted] According to Sergeant [redacted] Deputy [redacted] later talked to Lieutenant [redacted]

When specifically asked, Sergeant [redacted] agreed that there was ample opportunity for all the deputies to report force to her at the scene and later during the debriefing.

Mr. Galaz was ultimately transported to Beverly Hospital on October 11, 2003 at 0410 hours, where he was treated and approved for booking.

Sergeant [redacted] did not read any of the involved deputies' reports. She added that she did a canvas of the area for witness, but did not locate any.

On October 11, 2003 at 1956 hours, Sergeant Morejon and I interviewed Lieutenant [redacted] The interview was audio tape recorded and the following is a summary of his interview.

Lieutenant [redacted] was the Watch Commander at Pico Rivera Station at the time of the incident (October 10, 2003). During his shift, deputies were involved in a pursuit. Lieutenant [redacted] was at the front desk, monitoring the pursuit when the pursuit terminated at about 2334 hours. A foot pursuit ensued after the vehicle pursuit. Mr. Galaz was ultimately apprehended after a short distance. Lieutenant [redacted] immediately sent a Mobile Digital Terminal (MDT) message to Sergeant [redacted] asking her to call him as soon as possible.

Lieutenant [redacted] said Sergeant [redacted] telephoned him from the scene a short time later and gave him "a basic run down" and told him that there was no force used. Sergeant [redacted] further advised that all the deputies involved were not injured. At some later point, Lieutenant [redacted] told Sergeant [redacted] to gather up the involved deputies and have them come to the station to debrief the pursuit. About 30 minutes later, Deputies Callahan, [redacted] Perez, Morris and Canfield came to the station and the pursuit was debriefed in the briefing room. The arrest was not run by the Watch Commander, nor the Watch Sergeant at this point. Lieutenant [redacted] explained that he wanted to first discuss the conflicts that he felt had risen during the pursuit and to tell the deputies why he had cancelled certain units from the pursuit.

According to Lieutenant [redacted], at some point near the end of the debriefing, he "indicated" to the deputies, "We need to do the right things for the right reason." He also told them, "If force was used they needed to report it and they needed to report it properly to Sergeant [redacted] Lieutenant [redacted] went on to explain that he made this comment to the deputies because it has been his experience in the past that deputies generally use force at the end of pursuits. He said, "Generally at the terminus of a pursuit, generally force is used and I wanted to make sure that I made that point, that if force was used that it needs to be reported and properly documented."

Lieutenant [redacted] re-emphasized to us that no force had been discussed or reported at this point.

After making this comment to the deputies about the need to report force, Lieutenant [redacted] looked at the involved deputies and the deputies' heads went down and the deputies would not make eye-contact with him. Lieutenant [redacted] said that this action by the deputies made him feel "leery or suspicious," and he felt at this point, he needed to go and talk to Mr. Galaz. He added that he had an "uneasy feeling" about the deputies' demeanor after he made this comment to them. Still at this point, none of the deputies had reported using any force during the arrest of Mr. Galaz. Additionally at this point, the deputies had not run the arrest by him.

Lieutenant [redacted] explained the reason for not having the arrest run past him at this point, saying, "[I was] more concerned about the focus of the debriefing at this point--to straighten out everything and make sure that--because we had a vehicle pursuit, suspect intentionally drives into our deputy, a 245, the termination and then a crash at the end of a pursuit, the foot pursuit, a person in custody, I wanted to make sure that everybody was on the right page, everybody who was going to write the complaint report, that supplemental reports are going to be required from everybody--from policy stand point, that we documented everything and we got everything aired out right then and there."

Due to the deputies' demeanor, Lieutenant [redacted] and Sergeant [redacted] went to the jail to talk to Mr. Galaz. As they entered the booking area, they saw Mr. Galaz in holding cell #2. Lieutenant [redacted] noticed a small amount of blood on Mr. Galaz' T-shirt. Lieutenant [redacted] believed that the blood was a result of Mr. Galaz being involved in a collision at the end of the pursuit. He also recalled that Sergeant [redacted] told him that she had seen some blood on the steering wheel of Mr. Galaz' car.

Lieutenant [redacted] asked Mr. Galaz why he ran from the deputies and what happened at the end of the pursuit, during the arrest. Mr. Galaz told Lieutenant [redacted] that the deputies got him on the ground and "kicked" him a few times and hit him on his face. Lieutenant [redacted] did not see any visible injuries on Mr. Galaz. He then asked Mr. Galaz to lift his shirt up and when he did, Lieutenant [redacted] saw "two or three, circular-round indentations on the upper portion" of Mr. Galaz' chest. Mr. Galaz said that he was struck by a flashlight. Lieutenant [redacted] said that he recognized the "trauma" to be the same as being hit by a flashlight. According to Lieutenant [redacted], at this point he directed Sergeant [redacted] to go back into the briefing room because he felt he had a "major discrepancy" in that no force was reported and Mr. Galaz said that the deputies had struck him and Mr. Galaz had visible injuries on his chest. Lieutenant [redacted] wanted an explanation as to how Mr. Galaz received marks on his chest.

Lieutenant [redacted] went to his office and Sergeant [redacted] went back to the briefing room to talk to the deputies. A little over an hour later, the arrest had still not been run past Lieutenant [redacted] Sergeant [redacted] came to his office and told him that the deputies were now reporting that they had used force during the arrest of Suspect Galaz. According to

Lieutenant [redacted] Sergeant [redacted] was "livid" regarding the situation due to the fact that the deputies had not reported force to her in the field and had not reported force during the debriefing and now, "a considerable time later," force was being reported. (Lieutenant [redacted] had already notified Captain Rodriguez of the pursuit and told him that force was not used.)

Lieutenant [redacted] said that Sergeant [redacted] then proceeded to tell him the force each deputy used during the incident. Lieutenant [redacted] recalled that Sergeant [redacted] basically told him that the deputies reported "punches" only. He then directed Sergeant [redacted] to go back and establish what caused the red marks on Mr. Galaz' chest. Sergeant [redacted] then left and at some point later, she returned and told Lieutenant [redacted] that they had a "new problem." According to Lieutenant [redacted] Mr. Galaz has now told Sergeant [redacted] that he has been hit by a deputy with a flashlight, after being handcuffed. Lieutenant [redacted] said at this point, "The red flags really start going up in my mind." Lieutenant [redacted] said that when he had earlier talked to Mr. Galaz, Mr. Galaz had not told him that he had been hit by a flashlight after being handcuffed. He added that Mr. Galaz only said that he was hit and kicked several times. Mr. Galaz did not mention that he had been hit by a flashlight.

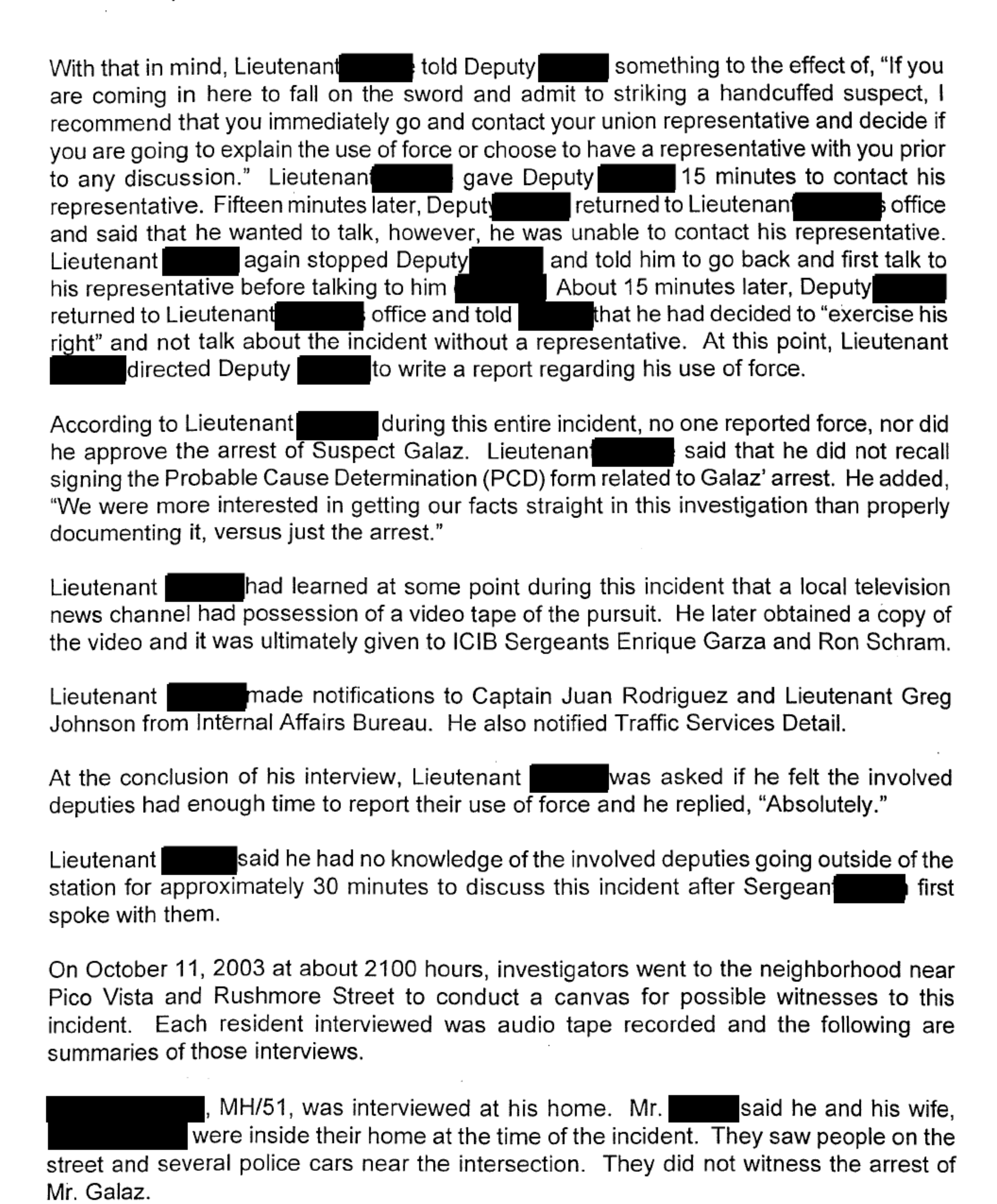
> **Note:** Earlier in Lieutenant [redacted] interview he told us that Mr. Galaz said he was hit by a flashlight (refer to earlier statements above).

After hearing about this "new problem" that Mr. Galaz alleged that he was hit by a flashlight while handcuffed, Lieutenant [redacted] directed Sergeant [redacted] to talk to the involved deputies again about this "discrepancy."

> **Note:** According to Lieutenant [redacted] he did not recall hearing that flashlight strikes were mentioned to him during Sergeant [redacted] first explanation of the force used by deputies. He recalled that it was only after he directed her to go back to the deputies and determine what caused the red marks on Mr. Galaz' chest area that it was discovered that a flashlight was used and she told him that they had a "new problem."

Lieutenant [redacted] said that a short time later, Deputy [redacted] came to his office and said something to the effect of, "Lieutenant, I need to talk to you." Lieutenant [redacted] then invited Deputy [redacted] in the office and closed the door. Lieutenant [redacted] said he felt at this point that he was dealing with an "unreported use of force" and the use of a "flashlight" on a suspect "while handcuffed." Lieutenant [redacted] further explained that he felt that if Deputy [redacted] said "why" he had used force and struck a handcuffed suspect, that it could "infringe upon" Deputy [redacted] "rights as a subject or a suspect."

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With that in mind, Lieutenant [redacted] told Deputy [redacted] something to the effect of, "If you are coming in here to fall on the sword and admit to striking a handcuffed suspect, I recommend that you immediately go and contact your union representative and decide if you are going to explain the use of force or choose to have a representative with you prior to any discussion." Lieutenant [redacted] gave Deputy [redacted] 15 minutes to contact his representative. Fifteen minutes later, Deputy [redacted] returned to Lieutenant [redacted] office and said that he wanted to talk, however, he was unable to contact his representative. Lieutenant [redacted] again stopped Deputy [redacted] and told him to go back and first talk to his representative before talking to him [redacted] About 15 minutes later, Deputy [redacted] returned to Lieutenant [redacted] office and told [redacted] that he had decided to "exercise his right" and not talk about the incident without a representative. At this point, Lieutenant [redacted] directed Deputy [redacted] to write a report regarding his use of force.

According to Lieutenant [redacted] during this entire incident, no one reported force, nor did he approve the arrest of Suspect Galaz. Lieutenant [redacted] said that he did not recall signing the Probable Cause Determination (PCD) form related to Galaz' arrest. He added, "We were more interested in getting our facts straight in this investigation than properly documenting it, versus just the arrest."

Lieutenant [redacted] had learned at some point during this incident that a local television news channel had possession of a video tape of the pursuit. He later obtained a copy of the video and it was ultimately given to ICIB Sergeants Enrique Garza and Ron Schram.

Lieutenant [redacted] made notifications to Captain Juan Rodriguez and Lieutenant Greg Johnson from Internal Affairs Bureau. He also notified Traffic Services Detail.

At the conclusion of his interview, Lieutenant [redacted] was asked if he felt the involved deputies had enough time to report their use of force and he replied, "Absolutely."

Lieutenant [redacted] said he had no knowledge of the involved deputies going outside of the station for approximately 30 minutes to discuss this incident after Sergeant [redacted] first spoke with them.

On October 11, 2003 at about 2100 hours, investigators went to the neighborhood near Pico Vista and Rushmore Street to conduct a canvas for possible witnesses to this incident. Each resident interviewed was audio tape recorded and the following are summaries of those interviews.

[redacted], MH/51, was interviewed at his home. Mr. [redacted] said he and his wife, [redacted] were inside their home at the time of the incident. They saw people on the street and several police cars near the intersection. They did not witness the arrest of Mr. Galaz.

[redacted], MH/25, said he was driving home at the time of the incident. As he drove down his street, he saw the deputies and Mr. Galaz walking toward the patrol cars. He did not see any struggle between the deputies and Mr. Galaz.

[redacted], MH/39, said he was home during the time of the incident. Mr. [redacted] said he saw part of the pursuit and Mr. Galaz' car collide into [redacted] yard. Mr. [redacted] then saw Mr. Galaz run down the street and officers chased Mr. Galaz. Mr. [redacted] said he did not see Mr. Galaz arrested or handcuffed. He later saw the officers escort Mr. Galaz back to their patrol cars.

Based on the information I gathered, it became apparent there was an allegation of assault under the color of authority. I briefed Internal Criminal Investigations Bureau Lieutenant Rod Kusch by telephone, who said their bureau would assume investigative responsibilities. Sergeants Enrique Garza and Ron Schram arrived at approximately 2015 hours on October 11, 2003 and were briefed on the investigation. I provided them with the original reports related to this investigation, the KCBS video tape of the pursuit, and 35 mm film which contained photographs of Fernando Galaz and the terminus of the pursuit and foot pursuit.

BY: SERGEANT WILLIAM HINES, [redacted]
APPROVED BY: LIEUTENANT ROD A. KUSCH, #[redacted], 11-03-2003, 1714 HOURS
INTERNAL CRIMINAL INVESTIGATIONS BUREAU
LEADERSHIP AND TRAINING DIVISION

COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT - SUPPLEMENTARY REPORT

DATE: OCTOBER 29, 2003

FILE NO.: 403-00076-2003-054

C: ASSAULT UNDER COLOR OF AUTHORITY - 149 P.C.

ACTION: ACTIVE / INVESTIGATION CONDUCTED / WITNESSES INTERVIEWED / EVIDENCE RECOVERED

V: GALAZ, FERNANDO MELENDEZ III MH/23

D: 10-10-2003 (FRIDAY) AT 2331 HOURS

L: [redacted] RUSHMORE STREET
PICO RIVERA, CALIFORNIA 90660

S#1: [redacted] DEPUTY #[redacted]
PICO RIVERA STATION

S#2: CALLAHAN, ERIC G., DEPUTY #[redacted]
PICO RIVERA STATION

S#3: MORRIS, DANIEL R., DEPUTY #[redacted]
SAFE STREETS BUREAU

S#4: PEREZ, ARTHUR "MARK", DEPUTY #[redacted]
SAFE STREETS BUREAU

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EVIDENCE HELD:

Item #1: One original Los Angeles County Sheriff's SH-R-49 arrest report, five supplemental reports, and miscellaneous booking documentation under file number 603-16486-1420-091.

Item #2: One video tape, "Maxell," VHS, containing a Columbia Broadcasting System, Los Angeles news broadcast of the Pico Rivera Station Pursuit which ended on Rushmore Street in the city of Pico Rivera.

Item #3: One T-Shirt, Man's triple extra large, short sleeve, white.

Item #4: Two pages of notes taken from Sergeant [redacted] steno book. The notes contain information related to the pursuit and the reporting of force specific to this investigation.

The purpose of this report is to document the investigation regarding an allegation of assault under the color of authority and subsequent interviews and collection of evidence. I have reviewed all known reports and materials related to this investigation.

On Saturday, October 11, 2003, at approximately 2015 hours, Sergeant Enrique Garza and I responded to Pico Rivera Station regarding an allegation of assault under the color of authority. Sergeant Garza and I met with Sergeants William Hines and Elier Morejon, of Internal Investigations Bureau. We were briefed regarding the nature of the case and the investigation they had conducted thus far.

Sergeant Hines provided us the original complaint report authored by Deputy Eric Callahan and original supplemental reports authored by Deputies [redacted] Daniel Morris, Mark Perez, Richard Canfield and Richard Muehlich related to the arrest of Fernando Galaz, file number 603-16486-1420-091, (**Evidence Held Item #1**). I incorporated photocopies of the above indicated original reports as follows: Deputy Callahan's report is **Exhibit A**; Deputy Morris' report is **Exhibit B**; Deputy Perez' report is **Exhibit C**; Deputy [redacted] report is **Exhibit D**; Deputy Canfield's report is **Exhibit E** and Deputy Muehlich's report as **Exhibit F**.

Lieutenant [redacted] learned that a "CBS" (Columbia Broadcasting System) Channel 2 News helicopter had video taped the pursuit and aired the pursuit on their television news broadcast. Lieutenant [redacted] requested and obtained a video copy (**Evidence Held Item #2**) of the CBS video coverage of the pursuit from Sheriff's Headquarters Bureau and gave it to Sergeant Hines. Sergeant Hines provided me the video copy.

I requested that Sergeants Hines and Morejon conduct a canvas of the neighborhood for witnesses and take photographs of the terminus of the pursuit, which they did. Sergeant Hines provided me the undeveloped rolls of film which I delivered to the Photograph Section of the Scientific Services Bureau for processing on October 24, 2003. I obtained the developed photographs from the Photograph Section of the Scientific Services Bureau on October 29, 2003 and retained them in my case file.

On October 11, 2003, at approximately 2203 hours, Sergeant Henry Garza and I interviewed Deputy [redacted] MW/36, #[redacted] in the captain's office at Pico Rivera Station. The interview was audio tape recorded and the following is a summary of his interview.

Sergeant Garza advised Deputy [redacted] the nature of our criminal investigation and that he, Deputy [redacted] was a suspect in the investigation. I asked Deputy [redacted] if wanted to make a voluntary statement regarding the investigation and he invoked his right to counsel, declining to speak. The interview was immediately terminated.

Continuing our investigation, Sergeant Henry Garza and I interviewed Deputy **RICHARD CANFIELD**, MW/35, [redacted] at 2228 hours. The interview occurred in the captain's office at Pico Rivera Station. The interviewed was audio tape recorded and the following is a summary of his interview.

I advised Deputy Canfield that he was a suspect in a criminal investigation of assault under the color of authority. I asked him if he wanted to make a voluntary statement and he said, "No." We immediately terminated the interview.

On October 11, 2003, at 2255 hours, Sergeant Henry Garza and I interviewed Sergeant **ROBERT LAWRENCE**, MB/45, [redacted] in the captain's office at Pico Rivera Station. Sergeant Lawrence is assigned to Safe Streets Bureau's Pico Rivera / Norwalk Gang Enforcement Team. The interview was audio tape recorded and the following is a summary of his interview.

Sergeant Lawrence confirmed that on October 10, 2003, he responded to the terminus of a vehicle pursuit on Rushmore Street in Pico Rivera, as two of his team members had been involved in the vehicle pursuit. Sergeant Lawrence asked Deputies Mark Perez and Daniel Morris if any force had been used force on the suspect. Deputies Perez and Morris both replied, "No."

Sergeant Lawrence told Sergeant [redacted] the Pico Rivera Station field sergeant, that Deputies Perez and Morris did not use any force. Sergeant Lawrence noticed Mr. Galaz had a bloody nose and he reported this to Sergeant [redacted] He said Sergeant [redacted] conducted an investigation at the scene and noticed blood on the steering wheel of the stolen vehicle, which was later confirmed to be the source of Mr. Galaz' bloody nose.

Sergeant Lawrence was called to Norwalk Station and left Pico Rivera. Sergeant Lawrence returned to Pico Rivera Station approximately one hour later. Sergeant Lawrence spoke to Deputies Perez and Morris in the parking lot at the back of the station. He asked Deputies Perez and Morris if they had any questions. Deputies Perez and Morris made no comments relating to force. Sergeant Lawrence saw three to four other deputies gathered in a "huddle" at the rear of the station.

Sergeant Lawrence recalled that he was on his way home after work when he received a cellular telephone call from Deputy Perez. He guessed the time was approximately 0100 hours. Deputy Perez told Sergeant Lawrence that they (Deputies Perez and Morris) in fact

had used force on Mr. Galaz. Sergeant Lawrence did not speak with Deputy Morris regarding his use of force. Sergeant Lawrence did not ask detailed questions regarding Deputies Perez' and Morris' use of force. Deputy Perez told Sergeant Lawrence that they (Perez and Morris) were going to write supplemental reports regarding their involvement and use of force. Sergeant Lawrence returned the next day, October 11, 2003, and was informed of the investigation underway by Internal Investigations Bureau.

On October 12, 2003, at approximately 0015 hours, Sergeant Henry Garza and I interviewed [redacted], MH/21, in the living room at his home. Mr. [redacted] is a Los Angeles County Sheriff's Department Explorer at Pico Rivera Station. He stated he was on a "ride-a-long" with Deputy [redacted] He confirmed they were involved in a vehicle pursuit of stolen vehicle. The interview was audio tape recorded and the following is a summary of his interview.

Mr. [redacted] said the radio car they were in was equipped with "Lo-Jack" tracking equipment and that they were not in the pursuit, but paralleling the pursuit. He said they were on a residential street when the suspect vehicle approached their car. He said Deputy [redacted] stopped the radio car and the suspect rammed the driver's door of the radio car with the vehicle he was driving. The suspect continued in the opposite direction. He said he did not know the name of the street. Deputy [redacted] advised units that the suspect had struck his vehicle. Mr. [redacted] was unable to recall if Deputy [redacted] made any comment to him about the suspect striking their car, but he did ask if he was okay.

Mr. [redacted] said Deputy [redacted] drove to the termination of the pursuit and parked the car. Deputy [redacted] got out of the car and walked out of Mr. [redacted] view. Mr. [redacted] did not leave the radio car. Mr. [redacted] thought Deputy [redacted] was only gone a short time, possibly a minute or two prior to returning to the vehicle. He stated he was on scene for approximately 25 minutes prior to departing to Pico Rivera Station.

Mr. [redacted] denied witnessing the arrest of the suspect. He simply saw the suspect escorted to a vehicle and placed in the back seat of the radio car.

Mr. [redacted] was not interviewed by anyone about his observations regarding to the traffic collision, nor was he interviewed relative to his observations at the terminus of the pursuit.

Mr. [redacted] was present during the debriefing at Pico Rivera Station given by Lieutenant [redacted] Mr. [redacted] denied being coached or scripted by any deputy personnel regarding what transpired during the pursuit and at the terminus of the pursuit.

On October 12, 2003, at 0148 hours, Sergeant Garza and I interviewed Sergeant [redacted] FH/38, #[redacted] in the watch commander's office at Pico Rivera Station. The interview was audio tape recorded and the following is a summary of her interview.

Sergeant [redacted] confirmed she was interviewed by Sergeants William Hines and Elier Morejon at approximately 1745 hours on October 11, 2003. A five-page summary of her interview is in the supplementary report written by Sergeant Hines, which is incorporated with this investigation.

As Sergeant [redacted] followed the path of the foot pursuit, she observed deputies escorting Mr. Galaz toward the radio cars. She indicated it was dark and neighbors began coming out of their homes to see what was happening. Sergeant [redacted] spoke with Deputies Callahan, Morris, Perez, [redacted] and Canfield and was told that no force was used. She said the deputies' report of not using force seemed consistent with her observations and she had no reason to doubt them.

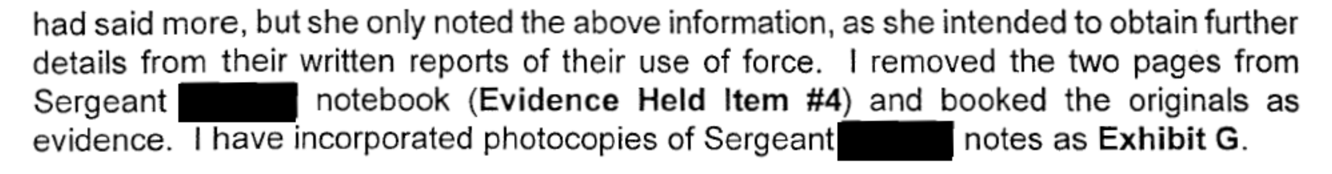
Sergeant [redacted] said she spoke with the Mr. Galaz as he sat in the rear seat of the radio car. Sergeant [redacted] said she believed the suspect told her he was "hit" by the deputies. I asked Sergeant [redacted] what she understood from Mr. Galaz' statement of being "hit." She assumed he meant that he struggled while his hands were placed behind his back. She did not witness the handcuffing. She did not question the suspect further at this time as the scene was somewhat chaotic and she felt she could investigate further at the station.

Sergeant [redacted] said she did not see blood on Mr. Galaz' nose when she spoke with him. Upon learning of his bloody nose, Sergeant [redacted] inspected the vehicle Mr. Galaz crashed and observed a drop of blood on the steering wheel next to the cruise control.

Sergeant [redacted] attended the debriefing at Pico Rivera Station and was later present with Lieutenant [redacted] when they interviewed Fernando Galaz and observed marks beneath his chest.

As indicated in Sergeant Hines' interview of Sergeant [redacted] she contacted the involved deputies in the briefing room, where she confronted them with the information of visible injuries on Mr. Galaz and his allegation of force.

Sergeant [redacted] was later summoned to the briefing room where the involved deputies had gathered. Sergeant [redacted] recalled Deputy [redacted] was the first to admit that force was used. As Sergeant [redacted] interviewed each deputy, she made brief notations in a notebook pertaining to the of the names of the deputies, the type of force and where the force was applied. She read her notes as follows, "Callahan on the right arm with two punches to the right rib area; Morris with the left arm with two punches; [redacted] jabbed twice; Canfield handcuffed and Perez left rib area." She said she believed the deputies


had said more, but she only noted the above information, as she intended to obtain further details from their written reports of their use of force. I removed the two pages from Sergeant [redacted] notebook (**Evidence Held Item #4**) and booked the originals as evidence. I have incorporated photocopies of Sergeant [redacted] notes as **Exhibit G**.

Sergeant [redacted] estimated that approximately two hours had passed between the time the deputies first told her that no force had been used in the arrest of Mr. Galaz and their individual reporting of force.

Sergeant [redacted] conducted a video tape recorded interview of Fernando Galaz on October 11, 2003, at approximately 0236 hours. Sergeant Hines provided me with the 8mm video tape, which I have retained in the case file. The video taped interview was conducted as an administrative interview in accordance with Department policy. The interview lasted approximately nine minutes.

Sergeant [redacted] asked Mr. Galaz to explain what occurred when he was arrested.

Mr. Galaz stated he ran between two house and was unable to climb a fence. He denied running into the fence. Mr. Galaz turned around and saw deputies running toward him as he got down on both knees. He laid face down and placed his hands on the back of his head. Mr. Galaz denied resisting arrest or struggling.

He confirmed he was not handcuffed when he was initially punched and kicked. He said he was struck on the back of his head and kicked on his right cheek and mouth area. When Sergeant [redacted] asked where else he was hit, Mr. Galaz pointed to his right and left sides and said he was punched in these areas. He then said he was kicked a couple of times in the ribs on each side and felt "blows" from every direction. He rubbed the back of his neck and said he was stomped on the base of his neck and upper back. Mr. Galaz said he was hit three times in the stomach after being stood upright. He said he had pain to his neck, right cheek and abdomen.

On October 13, 2003, at approximately 1150 hours, Sergeant William Looney and I spoke with Victim **FERNANDO GALAZ**, MH/23, booking number 7870-500, in an interview room at Pico Rivera Station. The interview was audio tape recorded and the following is a summary of his interview.

Mr. Galaz confirmed he had been pursued by deputies after a vehicle and foot pursuit and was subsequently arrested. Mr. Galaz said he was wearing a black thermal long sleeve shirt beneath a white short sleeve T-shirt (**Evidence Held Item #3**), baggy blue jean shorts and white "K-Swiss" tennis shoes.

Mr. Galaz recounted that he got out of the car after the car became disabled on a front lawn. He ran down the street about four to five houses and ran (west) across the street from where he left the car. He ran between two homes where he tried to jump a six-foot wooden fence. Mr. Galaz said he leaped at the fence, grabbing the top of the fence. He was unable to pull himself over the fence, at which time he turned around, facing the street. He then got down on his knees.

As Mr. Galaz turned around he saw deputies run around the corner of the garage toward him. He did not know the number of deputies. Mr. Galaz believed there were white deputies present when he placed himself face down on the ground. When he got up from the ground, there were black, Hispanic and white deputies present. He did not know how many deputies were present.

Mr. Galaz described the area where he had run as having a garage on one side and a chain-link fence on the other. The surface was wet or moist grass. He indicated the surface was not slippery and the area was dark, as there were no lights.

Mr. Galaz said he got down on the ground by his own choice. He placed his hands on the back of his head. Mr. Galaz indicated that he positioned himself on a slight angle, with his head closer to the chain-link fence side of the alcove. The chain-link fence was to his right and the garage was to his left. He heard foot steps but heard no verbal orders or commands by the approaching deputies. Mr. Galaz was aware of a helicopter overhead and light coming from the helicopter.

At some point, Mr. Galaz said he heard a deputy order him not to move. Mr. Galaz said he was face down and the voice was coming from the approaching deputies. He said he felt one deputy at his right side (the chain-link side) and thought this deputy grabbed his hands. He believed the deputy was on his knees when he heard the deputy repeat, "Don't move." Mr. Galaz heard voices and said he was kicked on his left side. Mr. Galaz did not know who kicked him.

I created a rough sketch depicting the area where Mr. Galaz had run at the end of the pursuit. I asked him to draw a stick figure depicting his position as he laid on the ground. Mr. Galaz drew a stick figure placing himself at a slight right angle with his head closest to the chain link-fence. I added the arms of the stick figure with the hands on the back of the head, which Mr. Galaz confirmed this reflected his positioning. I have incorporated a photocopy of this sketch as **Exhibit H**.

Sergeant Looney asked Mr. Galaz if he heard any orders by the deputies. Mr. Galaz said he did not hear any orders until a deputy told him to put his arms behind his back. Mr. Galaz said he was face down the entire time and did not see the deputies until he was handcuffed and brought to his feet.

Mr. Galaz pointed to the middle of his left side near his kidney area as the first place he was kicked. He was then kicked on the right side of his face. Mr. Galaz pointed to his right temple area. I asked if he recalled anything being said by the deputies. Mr. Galaz said he recalled the deputies saying, "You want to run, fucker?" He said he was then stepped on or stomped on the upper right portion of his back and neck. He said the foot was held on him briefly, then removed.

Mr. Galaz said he was punched on his head, back and sides. He did not know how many times he was struck. He denied struggling, fighting or resisting at anytime. Mr. Galaz did not see who struck him or kicked him.

Mr. Galaz said he was handcuffed and stood up. Two or three officers stepped to the side and another officer walked up and struck him three times with an unknown object he was holding in his (the deputy's) hand. Mr. Galaz said he was struck with the butt end of the object. Mr. Galaz said the deputy walked directly in front of him and hit him. Mr. Galaz made a back handed motion with his right fist and guessed the object was possibly a flashlight. Mr. Galaz said he looked at the deputy who hit him and confirmed he could identify the deputy. He described the deputy as a male white, 36 years old, clean shaven, with "blondish-brown hair." Mr. Galaz said the deputy was a little taller than he was.

Mr. Galaz recalled the deputy said something to him, but he did not recall what was said. Mr. Galaz thought the deputy who struck him with the object was also the same deputy he had run into during the vehicle pursuit. He briefly explained he ran into a police car while evading deputies. Mr. Galaz then said he thought the deputy said something about the car, but he was not certain.

Mr. Galaz was not wearing his white T-shirt and he stated it was in his cell. Sergeant John Anderson, [redacted] retrieved a white T-shirt (**Evidence Held Item #3**) from Fernando Galaz' cell and provided it to me. Mr. Galaz identified the T-shirt as his property.

The T-shirt is a man's triple extra large, white short sleeve T-shirt. I observed the shirt to have what appeared to be grass stains on the front and back. There appeared to be a small spot of blood on the outside, back portion of the shirt. The blood appeared to be on the outside of the shirt, as the spot was less visible from inside the shirt. I saw a black mark on the front side of the shirt at the bottom left edge. The black mark appeared to be consistent with black shoe polish.

Based upon Mr. Galaz' assertions of being repeatedly kicked on each side of his torso and stomped on his upper right back, I examined the T-shirt for such evidence. I expected to find shoe polish transfers or black marks on each side of the T-shirt and footprints on the back of the T-shirt consistent with his allegation. I observed no footprints and only one black mark on the bottom left side of the shirt. The shirt was not ripped or torn.

At the conclusion of the interview, I took 35 mm photographs of Mr. Galaz' head, face and torso which I have incorporated as **Exhibit I**. Sergeant Looney and I observed that Mr. Galaz had a circular bruise beneath the left side of his chest and a faint circular bruise on the center of his abdomen. He had a small scab on the right side of the bridge of his nose.

On October 14, 2003, at 1614 hours, Sergeant William Looney and I interviewed Deputy **DANIEL MORRIS**, MH/33, #[redacted] in an interview room at Norwalk Sheriff's Station. The interview was audio tape recorded and the following is a summary of his interview.

I advised Deputy Morris that he was a suspect of an allegation of an assault under the color of authority that occurred at the terminus of a vehicle pursuit on October 10, 2003. I asked Deputy Morris if he wanted to voluntarily speak to us about the incident and he stated, "No, I do not." We terminated the interview.

On October 14, 2003, at 1622 hours, Sergeant William Looney and I interviewed Deputy **ARTHUR "MARK" PEREZ,** MH/34, #[redacted] in an interview room at Norwalk Sheriff's Station. The interview was audio tape recorded and the following is a summary of his interview.

I advised Deputy Perez that he was a suspect in an allegation of force under the color of authority which occurred at the terminus of a pursuit on October 10, 2003. I asked Deputy Perez if he would voluntarily speak to us about the case and he declined by invoking his right to counsel. We terminated the interview.

On October 15, 2003, at 1639 hours, Sergeant William Looney and I interviewed Deputy **RANDALL POULOS**, MW/41, [redacted] in the conference room at Internal Criminal Investigations Bureau. The interview was audio recorded and the following is a summary of his interview.

Deputy Poulos is assigned to Aero Bureau as a pilot. He indicated he was assigned as Air 21 working with Observer Deputy John Racz. On Friday, October 10, 2003, while flying over the Pico Rivera area they received a "Lo-Jack" signal of stolen vehicle. Deputy Poulos said he was flying between the altitude of 400 and 600 feet when the suspect crashed his vehicle. He said Air 24 was above his position and that Air 24 assumed his position as the deputies apprehended the suspect. Deputy Poulos believed there were two additional helicopters above Air 24. He identified them as El Monte Police Air 44 and a CBS television news helicopter.

Deputy Poulos said he saw the suspect flee his vehicle after driving the car onto a front lawn. The suspect ran west and then north between two houses, where he appeared to be unable to get over a fence. Deputy Poulos said he saw deputies directly behind the suspect and he saw a deputy wearing a long sleeve tan shirt. He said at that time the

suspect, Mr. Galaz, was either on the ground or trying to get over the fence, but he was not certain due to his vantage point while orbiting over the foot pursuit. He said he saw a second deputy arrive at the suspect's location. The two deputies appeared to struggle briefly with the suspect, but the situation appeared to be in control or "Code-4." He departed the scene and only saw two deputies holding the suspect. He could not see what was occurring other than the suspect was on the ground. Sergeant Poulos said he did not witness any force or anything inappropriate. Deputy Poulos said they did not video tape the pursuit or the foot pursuit.

I had Deputy Poulos review a VHS video taped copy of the CBS television broadcast of the end of the pursuit and the subsequent foot pursuit. The tape did not change his recollection of the incident.

On October 15, 2003, at 1704 hours, Sergeant Looney and I interviewed Observer Deputy **JOHN RACZ**, MW/34, [redacted], assigned to Aero Bureau as an observer for the past six months. The interview was audio tape recorded and the following is a summary of his interview.

Deputy Racz recalled the pursuit occurring in Pico Rivera, as this was only his second pursuit as a helicopter observer. After the suspect fled from the vehicle, he saw the suspect run between some houses, followed by deputies. Deputy Racz said he did not see any force used as they were orbiting and departed as the deputies reached the suspect. Deputy Racz was unaware of any other helicopters in the area and confirmed they did not video tape the pursuit. I showed Deputy Racz the VHS taped copy of the pursuit and foot pursuit that occurred on October 10, 2003. Deputy Racz watched the tape and confirmed he did not witness any force by deputies. He said he could not discern if the suspect was resisting or fighting with deputies.

On October 16, 2003, Captain Arthur Ng sent a letter to Mr. [redacted], [redacted] for KCBS/KCAL television stations. The letter requested Mr. [redacted] to retain and safeguard any unedited video footage of the Pico Rivera pursuit, as it might be evidence related to a criminal investigation.

The CBS news helicopter reporter, [redacted], provided commentary on the video. The video depicted the stolen vehicle failing to negotiate a right turn. The vehicle drove over a curb and stopped on the front lawn of a residence. The suspect ran from the car, crossed the street in a diagonal manner and ran between two houses. The person in the video appears to have the same hair length, body size and clothing as Fernando Galaz. The suspect was wearing a white T-shirt, blue jean shorts and tennis shoes. The suspect can been seen momentarily between the houses, attempting to scale a fence. The suspect appears to go down and out of view of the camera. The area between the houses is dark

with the exception of the intermittent light created by Sheriff's helicopter Air 21, as it orbited over the scene.

The video footage also captured what appeared to be a male black deputy chasing the suspect. The deputy appeared to be bald and wearing a dark colored uniform polo shirt. Almost simultaneously, a second deputy is seen running between the houses, chasing the suspect. This deputy appears to be a male white deputy wearing a long sleeve Sheriff's Department uniform shirt.

At the area by the fence where the suspect was last seen, the white deputy appears to position himself facing south while grabbing what appears to be a fence to steady himself. At this point in the video, [redacted] comments that the suspect appears to be taken into custody and the news coverage ends.

On October 20, 2003, I had a telephone conversation with [redacted], CBS legal department attorney. Ms. [redacted] refused to provide me with the unedited footage concerning the pursuit, citing the "Shield Law," First Amendment protection. She further denied me the opportunity to simply view any unedited footage they had covering the pursuit, stating that would also infringe upon their rights. CBS denied my request to interview their journalist, [redacted].

On October 24, 2003, at 1407 hours, I conducted a telephone interview of **JEFFREY GIRGLE**, MW/34, [redacted], of the El Monte Police Department. The telephone interview was audio taped with Officer Girgle's knowledge and the following is a summary of his interview.

Officer Girgle is assigned as a police officer helicopter pilot. He was working with Observer Officer Daniel Barrone.

He responded to Los Angeles Sheriff's Department's Air 21's "Lo-Jack" tracking of a stolen vehicle. He announced his desire to assist in the operation. He took a position at approximately 1200 feet. Officer Girgle recalled another Sheriff's helicopter arrived toward the termination of the pursuit and a CBS helicopter was above his altitude.

Officer Girgle said he saw the suspect run from the vehicle and run between a house and a fence. Officer Girgle and Officer Barron focused their attention on the rear yard, anticipating the suspect to jump fences. Officer Girgle said he lost sight of the suspect due to a carport cover and the overhang of the house. Officer Girgle confirmed they did not video tape the incident.

I conducted a telephone interview of Observer Officer **DANIEL BARRON**, MW/46, [redacted], on October 24, 2003, at 1706 hours. The telephone interview was audio taped with the knowledge of Officer Barron and the following is a summary of his interview.

Officer Barron is a Montebello Police Officer assigned as an observer to El Monte Air Support.

He recalled the pursuit that occurred on October 10, 2003. He stated their helicopter also were tracking the same "Lo-Jack" signal of a stolen vehicle. He recalled observing the pursuit, the termination of the pursuit and the subsequent foot pursuit. As the suspect ran between houses, Officer Barron lost sight of him due to their vantage point and the roof line. Officer Barron recalled hearing a "Code-4," some 30 to 60 seconds after Sheriff's Communications Center requested a status on conditions.

On November 5, 2003, at approximately 1315 hours, Sergeant Looney and I re-interviewed Deputy **RICHARD CANFIELD** at Sheriff's Communication Center in the operations lieutenant's office. The interview was audio tape recorded and the following is a summary of his interview.

Deputy Richard Canfield had been interviewed as a suspect during the first hours of this investigation, and he refused to provide a statement as such. Upon reviewing the facts, I determined that Deputy Canfield was not a suspect in this case, but rather a witness to the events.

I advised Deputy Canfield that he was not a suspect but a witness and asked him to make a voluntary statement concerning the arrest of Fernando Galaz. Deputy Canfield stated he understood but said he did not want to make a statement. We concluded our interview.

On November 5, 2003, at 1400 hours, Sergeant William Looney and I interviewed Deputy **ERIC CALLAHAN**, MW/32, #[redacted] in the watch commander's office at Pico Rivera Sheriff's Station. The interview was audio tape recorded and the following is a summary of his interview.

I advised Deputy Callahan that he was a suspect in an allegation of using force under the color of authority which occurred at the terminus of a pursuit on October 10, 2003. I asked Deputy Callahan if he wanted to speak to us about this investigation and he stated, "No." We immediately terminated the interview.

On November 5, 2003, at approximately 1400 hours, Sergeant Looney and I inspected the terminus of the pursuit and the foot pursuit. The garage of the single family residence at [redacted] Rushmore Street is located on the southeast side of the house. The area is bordered by the garage on the north, a four-foot high chain link fence in front of a six-foot high

wooden fence on the south, and a six-foot high wooden fence on the west. The width of the area is five feet, four inches from garage to fence. The surface area was Saint Augustine grass. Sergeant Looney and I noticed what appeared to be a divot in the grass just a few feet from the fence. I took photographs of the house and the area where the arrest occurred. I have incorporated these photographs as **Exhibit J**.

On November 5, 2003, at approximately 1437 hours, Sergeant William Looney and I conducted a neighborhood canvas on Rushmore Street, in the city of Pico Rivera, to locate and interview people relating to the arrest of Fernando Galaz. The interviews were audio tape recorded and the following are summaries of those interviews:

Sergeant Looney and I first contacted [redacted] MH/47, at approximately 1438 hours. [redacted] recalled the pursuit. His sons heard a helicopter overhead and woke him. He walked out onto his driveway and saw police officers run [redacted]. After approximately one minute, the suspect was escorted out from between the houses by three to four deputies. The deputies walked the handcuffed suspect to a police car parked directly in front of [redacted] Rushmore Street and put him in the back seat. The suspect appeared cooperative. Mr. [redacted] said he saw nothing inappropriate.

We then interviewed [redacted] MH/23, at 1443 hours. [redacted] said he heard a car skid and crash. He then heard a helicopter, woke his father and rushed outside to the front of his house to see what was occurring. [redacted] saw "squad cars" driving in from two directions and deputies chasing the suspect. [redacted] said the suspect had his arms behind his back and appeared to be handcuffed when he next saw him. The suspect was being escorted by one deputy at his side and possibly two more deputies behind him. He saw deputies put the suspect into the squad car. He did not see a struggle or any force by deputy personnel.

We then interviewed [redacted], MH/28, at 1446 hours. [redacted] heard the helicopter and looked outside to see a police pursuit on his street. He heard a loud bang and saw the suspect run down the side of the house at [redacted] Rushmore Street, which is across the street [redacted] [redacted] was watching from his living room window, but clarified that he had an unobstructed view. [redacted] saw three to four deputies chase the suspect. The suspect appeared to be handcuffed the next time [redacted] saw him. [redacted] saw three deputies escort the suspect to the police car and placed him in the back seat of a police car. [redacted] did not see the deputies use any force on the suspect.

We then interviewed, [redacted] [redacted], at 1454 hours. [redacted] stated he was asleep when the incident occurred and did not witness anything.

We then interviewed, [redacted], FW/A, and [redacted], MH/A, at 1457 hours. Mrs. [redacted] and Mr. [redacted] are neighbors. [redacted] did not have any knowledge of the pursuit on October 10, 2003 and Mr. [redacted] and his wife were in Las Vegas on the date of the incident.

We then interviewed [redacted], FH/45, at 1503 hours. [redacted] recalled the incident when the helicopters were overhead. She said she heard a crash and ran outside to see the suspect run in her direction. [redacted] said she saw the suspect run between the houses. [redacted] and her husband watched from her east facing living room widow but was unable to see anything. She said they did not hear anything. [redacted] said it happened very quickly, perhaps less than a minute. She saw no force used by deputy personnel.

[redacted] had a conversation with a male white and a female Hispanic deputy as she stood with them outside of her house. The male deputy indicated the suspect had given up.

Lastly, we interviewed Ms. [redacted], FH/A, at 1509 hours. [redacted] stated she was aware of the police activity but did not witness anything.

On November 24, 2003, I interviewed Deputy **WALID TAWDI**, MW/38, [redacted], in the operations office at the Los Angeles Sheriff's Aero Bureau, where his is assigned as a pilot. The interview was audio tape recorded and the following is a summary of his interview.

I directed Deputy Tawdi's attention to a vehicle pursuit in Pico Rivera on October 10, 2003. Deputy Tawdi confirmed he was working Air 23 or 24 that evening with his observer, Deputy John O'Hara.

Deputy Tawdi recalled responding to the terminus of the pursuit and joined Air 21 who was the primary helicopter. Deputy Tawdi circled above the residential area initially at an altitude of approximately under 1000 feet. Air 21 departed shortly after his arrival. Deputy Tawdi dropped down as the primary helicopter.

Deputy Tawdi said he saw the residential area with a bunch of radio cars in the area and did not see much more. He confirmed the spotlight was on but indicated that they do not illuminate deputies as a matter of officer safety. Deputy Tawdi said he saw nothing occurring on the ground that appeared inappropriate. He confirmed they did not video tape the incident.

On November 24, 2003, at 1819 hours, I interviewed Deputy **JOHN O'HARA**, MW/40, [redacted], assigned to Aero Bureau as an observer. I audio tape recorded the interview and the following is a summary of his interview.

I asked Deputy O'Hara if recalled responding to a pursuit in Pico Rivera on October 10, 2003. Deputy O'Hara said he and his partner, Deputy Tawdi, were at Aero Bureau when they became aware of a pursuit in Pico Rivera. He recalled their call sign was Air 22. Deputies Tawdi and O'Hara responded to provide relief for the primary helicopter, Air 21.

Deputy O'Hara said they were not directly overhead when the pursuit occurred. When they arrived overhead, the foot pursuit was ending. Deputy O'Hara said he was unable to see very much from their initial position. Air 21 departed and they, Air 22, dropped down as the primary helicopter, he saw deputies escorting the suspect across the front yard of the primary house. He saw nothing that gave him any concern.

On November 25, 2003, 1647 hours, Sergeant William Looney and I contacted **FERNANDO GALAZ** in the attorney room at North County Correctional Facility. We contacted Mr. Galaz for the purposes of having him review photographic line-ups to identify the deputy or deputies who allegedly assaulted him during his arrest on October 10, 2003.

I prepared five separate "Mug" Show -Up Folders placing the involved deputies' photos in individual folders with similar looking deputy personnel for each folder. I numbered each folder one through five. I have incorporated "Mug" Show-Up Folders one through five as **Exhibit K**.

Mr. Galaz stated he graduated high school and has attended college. Sergeant Looney read a copy of a "Photographic Line-Up Admonition" aloud while Mr. Galaz read a copy of the admonition form. Mr. Galaz said he understood the admonition form after reading it.

Mr. Galaz was given admonition forms with numbers corresponding to the "Mug" Show-Up Folders. Mr. Galaz completed and signed each admonition form after reviewing the respective "Mug" Show-Up Folder.

I handed Mr. Galaz "Mug" Show-Up Folder #1 and after reviewing it, he stated he believed the deputy in photograph position #1 was involved. Mr. Galaz circled the photograph and completed the admonition form identifying photograph #1. He stated that this deputy was present when he was lifted to his feet. He could not tell us if this deputy used any force on him. Mr. Galaz did not identify the alleged involved deputy contained in "Mug" Show-Up Folder #1. The involved witness, Deputy Canfield's photograph was in position #3.

Mr Galaz was then provided "Mug" Show-Up Folder #2. After reviewing the folder, Mr. Galaz indicated he could not make an identification from these photographs. Mr. Galaz initialed and signed admonition form #2. Deputy Perez' photograph was in position #4.

Mr. Galaz was provided "Mug" Show-Up Folder #3. Mr. Galaz reviewed the folder and stated he could not make an identification from these photographs. Mr. Galaz initialed and signed admonition form #3. Deputy Morris' photograph was in position #2.

Mr. Galaz was provided "Mug" Show-Up Folder #4. Mr. Galaz reviewed the folder and identified the deputy in photograph position #6. He circled photograph #6 on the folder and completed the admonition form indicating having identified photograph #6. Sergeant Looney asked Mr. Galaz to explain this deputy's involvement in his arrest. Mr. Galaz said, "I can recall him lifting me to my feet, that's just about it." Mr. Galaz identified Deputy [redacted] photograph in position #6 as being involved.

Mr. Galaz was provided "Mug" Show-Up Folder #5. Mr. Galaz reviewed the folder and identified the person in photograph position #5. Mr. Galaz circled photo number five and completed the admonition form indicating having identified photograph #5. He said he could not explain what part this deputy took in his arrest. Mr. Galaz did not identify the alleged involved deputy contained in "Mug" Show-Up Folder #5. Deputy Callahan's photograph was in position #3.

Mr. Galaz reiterated that he was unable to identify which deputies punched, kicked or hit him with an object.

On December 10, 2003, 1841 hours, I interviewed Lieutenant [redacted] MW/52, #[redacted], in the captain's office at Pico Rivera Station. I audio tape recorded the interview and the following is a summary of his interview.

Lieutenant [redacted] interview concerning the events of October 10, 2003, are contained in the supplemental report completed by Sergeant Bill Hines. The purpose of my interview with Lieutenant [redacted] was to have him review photographs that I took of Fernando Galaz on October 13, 2003. In one close-up photograph of the right side of Mr. Galaz' face, it appeared that his right eyelid was slightly discolored, possibly indicating a bruise. Lieutenant [redacted] interviewed Fernando Galaz in the Pico Rivera Station Jail on the night of the incident and inspected Mr. Galaz' body, specifically noting all injuries.

I had Lieutenant [redacted] review photographs of Fernando Galaz. Photographs #1 and #2 depict Fernando Galaz' face; photograph #3 depicts Mr. Galaz' right eyelid, which appears to be discolored; and photograph #4 is a photograph of Mr. Galaz' chest and abdomen. Photograph #4 depicts a circular bruise beneath the left side of Mr. Galaz' chest and a faint

circular bruise on the center of his abdomen. I have incorporated photographs of Mr. Galaz as **Exhibit I**.

Lieutenant [redacted] reviewed the four photographs and confirmed that the suspect did not have any visible redness, abrasions, bumps or scrapes to his face. He recalled Mr. Galaz had what appeared to be a swollen nose as a result of striking his face on the steering wheel of the of the car when he crashed.

While reviewing photograph #3, Lieutenant [redacted] noted discoloration to Mr. Galaz' right eyelid. He stated he did not see any injury to Mr. Galaz' right eye on the date of the incident. Lieutenant [redacted] said photograph #4 depicted the circular bruising on Fernando Galaz' midsection.

I subsequently showed photograph #3 of Mr. Galaz to Sergeant Hines, Sergeant Garza and Sergeant Looney. Each sergeant recalled observing Fernando Galaz during interviews on October 11 and13, 2003. No one saw any visible injury to Mr. Galaz' right eye.

I viewed Mr. Galaz on October 13, 2003, and recall looking for injuries. Sergeant Looney and I paid particular attention to areas where Mr. Galaz alleged being punched, kicked or struck. We did not see any bruising, swelling or injury to the right side of Mr. Galaz' face. We found no redness, swelling or abrasion consistent with his allegation of being kicked on the face by someone wearing a boot or shoe.

SUMMARY

The deputies in this case apprehended a suspect at the conclusion of a vehicle and foot pursuit. Deputies Callahan, Morris, Perez and [redacted] denied using force to effect the arrest of Fernando Galaz to their respective supervisors, Sergeant [redacted] and Sergeant Robert Lawrence.

During the ensuing pursuit debriefing, Lieutenant [redacted] discussed Department policy governing the use and reporting of force. The involved Deputies had this additional opportunity to report any force associated with the arrest of Fernando Galaz. Deputies Callahan, Morris, Perez and [redacted] remained silent.

Lieutenant [redacted] and Sergeant [redacted] interviewed Fernando Galaz and saw visible injuries on Fernando Galaz' abdomen and learned of his allegations of force. Sergeant [redacted] subsequently advised the involved deputies regarding Fernando Galaz' injuries and complaint of pain. This information prompted Deputies Callahan, Morris, Perez and [redacted] to confer as a group in the rear parking lot, behind the sheriff's station.

Approximately two hours after the arrest of Fernando Galaz, Deputies [redacted] Callahan, Morris, Perez and Canfield reported their use of force. The involved deputies summoned Sergeant [redacted] to the briefing room where they reported their individual use of force as required by Department policy. Sergeant [redacted] elected to take their brief statements in a group setting in the briefing room.

Deputy [redacted] admitted to Sergeant [redacted] that he "jabbed a guy with a flashlight." Deputy [redacted] ensuing explanation for jabbing the suspect with a flashlight was that Mr. Galaz was resisting handcuffing. Deputies Callahan, Morris and Perez each admitted punching Mr. Galaz in an effort to overcome his resistance and control his hands to effect handcuffing.

Fernando Galaz informed Sergeant [redacted] during a video taped interview, that he was handcuffed when he was struck with the flashlight.

Sergeant [redacted] re-contacted Deputy [redacted] and confronted him with the additional information. Deputy [redacted] paused and told Sergeant [redacted], "Yeah, I could have–after he was handcuffed." Deputy Uruttia then admitted that he did hit Mr. Galaz after he was handcuffed. Deputy [redacted] said he hit the handcuffed suspect when he (the suspect) attempted to head-butt Deputy Morris. Sergeant [redacted] interviews with deputy personnel were not audio tape recorded.

In reviewing the deputies' reports, Deputy [redacted] said that upon his arrival he saw Deputy Morris holding the suspect by the left arm. He observed the suspect (Galaz) lunge forward with his head toward Deputy Morris. Deputy Morris avoided being hit by leaning back, which, by Deputy [redacted] description, would be in the direction of the head-butt. Deputy [redacted] said that he feared for the safety of Deputy Morris and further believed the suspect was attempting to flee. Deputy [redacted] admitted jabbing the suspect two to three times to the mid torso area with the end of his flashlight that he was holding in his right hand.

Deputy Callahan, reported in his complaint report that he and Deputy Morris reached the suspect (Galaz) together. Deputy Callahan indicated the suspect fell into the fence, attempted to scale the fence and then turned in their direction. The suspect took a combative stance, raising his fist. Deputy Morris engaged the suspect and took him to the ground. As the suspect was falling to the ground, Deputy Callahan reported he had to "redirect [his] foot placement to the side, due to the confined space [they] were in and so that the suspect would not fall on [him]."

Deputy Callahan then positioned himself with his right knee atop the suspect's shoulder blades. The suspect continued to struggle raising himself from the ground. Deputy Callahan punched the suspect on the right side torso area several times with his right fist.

Deputy Callahan saw Deputy Perez punch the suspect on the left side torso area and Deputy Canfield assisted placing the handcuffs on the suspect.

Deputy Callahan reported that he held the suspect (Galaz) by his left upper arm. He stated the suspect pulled away from him in a direction toward Deputy Morris. Deputy Callahan said he reached across the suspect's chest and face to control his body when Deputy [redacted] struck the suspect in the stomach.

Deputy Morris reported the suspect fell face and chest first into the wooden fence. The suspect after failing to scale the fence, turned towards the deputies and took a combative stance. The suspect lunged toward Deputy Morris. Deputy Morris grabbed the suspect's arm and pushed him to the ground. While on the ground, the suspect continued to resist, causing Deputy Morris to punch the suspect on the left side and lower back areas. Deputy Morris re-positioned himself by placing his left knee across the suspect's upper back.

As the suspect continued to struggle, Deputy Morris observed Deputy Perez punch the suspect on the left side. Deputy Canfield assisted the other three deputies in handcuffing the suspect.

Deputy Morris reported that he and Deputy Callahan raised the suspect to his feet. Deputy Morris said that while holding the suspect's left bicep and forearm, the suspect lunged toward him with his head. Deputy Morris avoided being struck by leaning back. Deputy Callahan grabbed the suspect while Deputy [redacted] struck the suspect in the stomach.

Deputy Perez was the third deputy to reach the suspect. His supplemental report relates that he observed the suspect on the ground resisting arrest. Deputy Callahan was struggling with the suspect's right arm and Deputy Morris was struggling with the suspect's left arm. Deputy Perez punched the suspect on the left side of his torso three to four times. Deputy Canfield, the fourth deputy to arrive, assisted handcuffing the suspect.

Deputy Perez makes no mention of Deputy [redacted] use of force in his report.

Deputy Canfield reported his actions in assisting in handcuffing the suspect. Deputy Canfield did not mention any force by any of the deputies on scene.

In reviewing the available video tape coverage of the end of the foot pursuit, the suspect (Fernando Galaz) is seen running between a house and a fence. It appears from the video tape that the suspect's initial actions are consistent with Deputies Callahan and Morris reporting. The suspect's white T-shirt is last seen at the fence when deputies engage him. The male white deputy's actions in the video tape appear consistent with Deputy Callahan's report of his actions.

Deputy Sheriffs are trained extensively regarding the Los Angeles County Sheriff's Department policy on use of force as outlined in the Manual of Policy and Procedures section 5-09/430.00, "Use of Force Reporting and Review Procedures." I incorporated a photocopy of this manual section as **Exhibit L**.

[redacted] **Exhibit M**.

The investigation revealed that Deputy Callahan, Deputy Morris, Deputy Perez and Deputy [redacted] had ample time to report the force used while effecting the arrest of Fernando Galaz. Deputies were on scene long enough for Sergeant Lawrence to respond from Norwalk Station. When specifically questioned if they used force, the involved deputies told their respective supervisor that no force was used.

During the subsequent debriefing held by Lieutenant [redacted] deputies were reminded of Department policy regarding the use of force. Deputies remained silent and avoided eye contact with Lieutenant [redacted] saying nothing about their individual use or witnessing of force.

Deputies Morris and Perez were given a third opportunity to report their force when Sergeant Lawrence returned to Pico Rivera Station, sometime after midnight.

Deputies reported their use of force only after being confronted with information that Fernando Galaz had visible injuries and was alleging he had been punched and kicked. This was not done spontaneously in response to the question posed by Sergeant [redacted] The deputies then convened in the rear parking lot at Pico Rivera Station prior to reporting their actions.

Sergeant [redacted] obtained each deputy's oral report on their use of force simply by noting the type of force used by the deputy and where the force was directed.

Deputy [redacted] initially reported that he hit the suspect in the mid torso with his flashlight in an effort to overcome the suspect's resistance during handcuffing. After being confronted by Sergeant [redacted] that the suspect was handcuffed when he was hit, Deputy [redacted] confirmed the suspect was handcuffed. He then related that the suspect attempted to head-butt Deputy Morris.

This last version of events is what Deputies Callahan, Morris and [redacted] memorialize in their respective reports.

The suspect had been involved in a lengthy vehicle pursuit in which he drove his vehicle into the open driver's door of Deputy [redacted] car. The suspect then fled on foot and was arrested. Fernando Galaz said he submitted to the arrest, but was assaulted. The only visible marks on Fernando Galaz' body appear to be the result of being jabbed with the end of a flashlight.

The facts of this case will be presented to the Justice System Integrity Division of the Los Angeles County District Attorney's Office for their review. This case remains active pending their review.

BY: SERGEANT RON W. SCHRAM, #[redacted]
APPROVED BY: LIEUTENANT ROD A. KUSCH, #[redacted], 02-09-2004, 0945 HOURS
INTERNAL CRIMINAL INVESTIGATIONS BUREAU
LEADERSHIP AND TRAINING DIVISION

COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT - SUPPLEMENTARY REPORT

DATE: OCTOBER 4, 2004

FILE NO.: 403-00076-2003-054

C: ASSAULT UNDER COLOR OF AUTHORITY - 149 P.C.

ACTION: INACTIVE/CASE CLOSED/ D.A. REJECT

V: GALAZ, FERNANDO MELENDEZ III MH/23

D: 10-10-2003 (FRIDAY) AT 2331 HOURS

L: [redacted] RUSHMORE STREET
PICO RIVERA, CALIFORNIA 90660

S#1: [redacted] DEPUTY #[redacted]
PICO RIVERA STATION

S#2: CALLAHAN, ERIC G., DEPUTY #[redacted]
PICO RIVERA STATION

S#3: MORRIS, DANIEL R., DEPUTY #[redacted]
SAFE STREETS BUREAU

S#4: PEREZ, ARTHUR "MARK", DEPUTY #[redacted]
SAFE STREETS BUREAU

****

On October 17, 2003, the Internal Criminal Investigations Bureau was requested to investigate an allegation that Deputies [redacted] Eric Callahan, Daniel Morris and Arthur Perez committed an assault under color of authority upon Fernando Galaz, in violation of Penal Code Section 149.

On February 13, 2004, the case was presented to the office of the Los Angeles County District Attorney - Justice System Integrity Division for filing consideration.

On September 22, 2004, D.D.A. Christina V. Fleming declined to file charges, stating that there was insufficient evidence to substantiate a criminal filing against Deputies [redacted] Eric Callahan, Daniel Morris and Arthur Perez. Case rejection number #J.S.I.D. 04-0141R was issued (see attached).

As a result of the declination by the District Attorney's Office, this case is being closed by the Internal Criminal Investigations Bureau and shall be forwarded to Captain Irma Becerra for an administrative review.

BY: SERGEANT RON W. SCHRAM, [redacted]
APPROVED BY: LIEUTENANT ROD A. KUSCH, [redacted], 10-04-2004, 1519 HOURS
INTERNAL CRIMINAL INVESTIGATIONS BUREAU
LEADERSHIP AND TRAINING DIVISION

LOS ANGELES COUNTY DISTRICT ATTORNEY **CHARGE EVALUATION WORKSHEET**	☐ Further investigation requested. ☐ Probation Violation in lieu of filed. ☒ Prosecution declined.	DA CASE NO. 24029832	Page 1 of 7 Date: September 22, 2004
		POLICE CASE NO. (DR OR URN NO.) 403-00076-2003-054	DA OFFICE CODE J.S.I.D. 04-0141R

SUSPECT DATA

NO.	SUSPECT NAME	BKNG NO.	CHARGE	REASON
01	[redacted]	[redacted]	[redacted]	[redacted]
02	[redacted]	[redacted]	[redacted]	[redacted]
03	MORRIS, DANIEL	N.I.C.	PC149	B - Insufficient evidence
04	[redacted]	[redacted]	[redacted]	[redacted]

DESCRIPTION
SEE ATTACHED.

STEVE COOLEY District Attorney	COMPLAINT DEPUTY (PRINT) CHRISTINA V. FLEMING/smm	DEPUTY CODE [redacted]	COMPLAINT DEPUTY (SIGNATURE)	REVIEWING DEPUTY

In submitting this matter for consideration of a complaint, written reports of substantially all available evidence (except as to the oral information, if any, purporting to have been given by me and which is fully and correctly stated above) have been submitted to the above-named Deputy (copies of which are attached hereto) except the following:

The disposition of this matter will be final unless the commanding officer requests reconsideration of the case, stating his reasons on the back of this form.

MAILED 09/28/04
OFFICER - SGT. RON SCHRAM

L.A.S.D. I.C.I.B.

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of allegations that Los Angeles County Sheriff's Deputies [redacted] #[redacted] Eric Callahan, #[redacted] Daniel Morris, #[redacted] and Arthur Perez, #[redacted] committed an assault under color of authority upon Fernando Galaz, in violation of Penal Code Section 149. For the reasons set forth below, this office declines to initiate criminal proceedings.

FACTUAL ANALYSIS

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department (LASD), submitted to this office on February 13, 2004, by Sergeant Ron Schram, LASD, Internal Criminal Investigations Bureau (ICIB). The involved deputies' departmentally compelled statements were not reviewed.

On October 10, 2003 at approximately 10:50 p.m., Los Angeles County Patrol Helicopter, Aero Unit 21, received a LoJack radio signal from a stolen vehicle.[1] Aero Unit 21 advised all Pico Rivera Sheriff's Station units that the reported stolen vehicle was in the area of Rosemead Boulevard and Whittier Boulevard in Pico Rivera. The stolen vehicle was a blue 2000 Toyota Avalon, license number [redacted].

Deputy Callahan, assigned to the Pico Rivera station, monitored the radio broadcast. As Callahan drove northbound on Rosemead Boulevard toward Olympic Boulevard he saw a blue Toyota Avalon at the intersection. Aero Unit 21 advised Callahan that the car was the vehicle from the LoJack return. As Callahan drove closer to the vehicle, the driver, subsequently identified as Fernando Galaz, looked toward him before immediately accelerating northbound on Rosemead Boulevard. Callahan noted that the license plate number was [redacted] and advised Sheriff Communications Center (SCC) that he was in pursuit of a stolen vehicle. He then activated his lights and siren.

Galaz led Callahan on a high speed chase through city streets. He failed to stop for stoplights and drove erratically posing a danger to others. Galaz turned eastbound on Reichling Lane and was observed by Deputy [redacted] who had been monitoring the chase.[2] [redacted] watched as Galaz slowed his vehicle and opened the driver's side door as if he was preparing to flee on foot. In response, [redacted] opened his door and prepared to exit. Galaz appeared to notice [redacted] black and white patrol unit and sped up, driving directly at [redacted] fearing for his safety, pulled his left leg back into his car as Galaz rammed the driver's side door slamming it shut.

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[1]The LoJack system is a vehicle recovery system that is activated when a theft is reported to the police. Law enforcement authorities who are equipped with LoJack vehicle tracking units, in their police cruisers and aviation units, use the LoJack system to track and recover stolen vehicles.

[2]Deputy [redacted] patrol unit was equipped with a LoJack tracking unit. [redacted] was advised by SCC that only three units were to be involved in the actual pursuit. As a result [redacted] paralleled the pursuit and stayed in the area in case his assistance was needed.

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[redacted] advised SCC that Galaz had just rammed his radio car and the pursuit continued. Galaz continued driving erratically throughout the streets of the surrounding neighborhood as he was pursued by several black and white patrol units. The pursuit ended when Galaz failed to successfully negotiate a turn onto Rushmore Street. As he turned, he lost control and crashed in the front yard of [redacted] Rushmore Street. He got out of the stolen vehicle and fled on foot toward [redacted] Rushmore Street. Callahan got out of his patrol car and gave chase accompanied by Deputy Morris who was also involved in the pursuit.

Galaz ran alongside the residence down a narrow 5' wide path. He came to a locked wooden fence which he fell head first into before falling to the ground. He got up and attempted to scale the fence but failed. When the deputies caught up with Galaz, Deputy Callahan ordered him to the ground. When Galaz turned around he raised his clenched fists and assumed a combative stance. He lunged at Morris who grabbed his left arm and directed him to the ground. Once he was on the ground he resisted the deputies' efforts to handcuff him and ignored commands to cease his resistance.

Callahan was not able to gain control of Galaz' right arm. As Callahan repositioned himself Galaz lifted his torso off the ground. Due to the tight confines, Callahan opted not to use his oleoresin capsicum spray fearing he and Morris would be affected. Instead he punched Galaz on the right side of his torso with his fist to gain control.

During the struggle, Deputy Morris could feel that Galaz was pulling his left arm back toward his chest area. As a result he punched Galaz on his left side and lower back several times. Morris' partner, Deputy Perez, arrived on the scene and saw that Morris did not have control of Galaz' left arm. Perez feared Galaz may have been armed and struck him 3 to 4 times on the left side of his torso as he ordered Galaz to put his hands behind his back. Galaz ignored all commands to cooperate. Deputy Canfield arrived on the scene and eventually the four deputies were able to successfully handcuff Galaz and stand him on his feet.

Galaz was standing between Callahan and Morris when he suddenly lunged toward Morris with his head as if attempting to headbutt him. Morris, who had been holding Galaz' left arm by the bicep and forearm area, leaned away from Galaz and released his arm in the process. Callahan then reached across Galaz' body and grabbed his left shoulder as [redacted] using the end of his flashlight, jabbed Galaz in the torso area two to three times. Galaz was then escorted to the patrol car without further incident.

During the apprehension of Galaz a KCBS news helicopter was overhead filming the incident. However, the area where the arrest actually occurred was poorly lit which made it difficult to see what was occurring.

Sergeant [redacted] the field sergeant at the time of the incident, was the last patrol unit involved in the pursuit. She arrived at the terminus and saw the deputies in foot

pursuit of Galaz. After she had cleared Galaz' vehicle she saw the deputies walking back toward her with Galaz in handcuffs. She approached the deputies to check on their welfare. She asked whether force was used during the arrest of Galaz. Callahan told her that after Galaz failed to climb over the fence, he put his hands on his head and went down to his knees. He said that he and Morris then grabbed Galaz and they went down onto the wet slippery grass. Galaz was then handcuffed. The deputies did not report using any force nor did anyone report witnessing force. Later [redacted] spoke to Deputies Morris and Perez. They told her essentially the same version as Callahan had told her.

Sergeant Robert Lawrence was assigned to Safe Streets Bureau's Pico Rivera/Norwalk Gang Enforcement Team. He responded to the terminus of the pursuit because two of his team members had been involved in the pursuit, Deputies Morris and Perez. He contacted both deputies and asked whether any force had been used on Galaz. Morris and Perez both said, "No."[3]

Later at the Pico Rivera Station Sergeant [redacted] and Lieutenant [redacted] met with the deputies to debrief the pursuit. [redacted] specifically asked the deputies whether any force was used. The deputies remained silent, looked at the floor, and avoided eye contact. [redacted] admonished the deputies that if force was used it had to be reported and properly documented. No one made any disclosures at that time.

Based on the deputies' demeanor, [redacted] and [redacted] went to the booking area to interview Galaz. Galaz told them that he had been kicked and punched by the deputies. [redacted] and [redacted] observed two or three circular bruises on Galaz' chest/abdomen area. Galaz said the marks were caused by a flashlight. [redacted] did not observe any visible redness, abrasions, bumps or scrapes to his face. However, Galaz had what appeared to be a swollen nose as a result of striking his face on the steering wheel of the car when he crashed.

[redacted] returned to the briefing room and confronted the deputies with Galaz' allegation of force and the marks on his chest. She told them, "You need to think about whatever you need to tell me and come back to me." She then left them alone in the briefing room. Approximately 35 minutes later the deputies asked to speak with [redacted] and told her that force was used during the arrest of Galaz.

On October 13, 2003, Galaz told ICIB investigators that he was physically assaulted by the deputies during his arrest. Galaz admitted that he was involved in the vehicle pursuit and that during the pursuit he ran into a patrol car. He also admitted that he fled on foot after he disabled the car he was driving. However, he claimed that once he was cornered in the area where he was arrested, he was cooperative and submissive.

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[3] After Galaz was in custody Sergeant Lawrence observed a small amount of blood around Galaz' nose. Sergeant [redacted] inspected Galaz' vehicle and observed a drop of blood on the steering wheel next to the cruise control. It was determined that the blood belonged to Galaz' who struck his face/nose on the steering wheel during the collision.

Galaz said that after he failed to climb over the wooden fence, he turned around and saw several deputy sheriffs running toward him. At that point he said he got down on the ground, placed both of his hands behind his head, and laid face down. He said he offered no resistance as the deputies kicked and punched him without provocation. The beating described by Galaz included blows to the back of his head, a kick to his right cheek and mouth area, kicks in the ribs, and punches on the left and right side of his torso. In addition, he described being stomped on the base of his neck and upper back.

He added that after he was handcuffed and standing up, two or three deputies stepped aside allowing another deputy to approach him and hit him in the stomach with an unknown object three times. Galaz, who is 5'-8" tall, described his assailant as being a white male, 36 years old, clean shaven, blondish-brown hair, and a little taller than him. Deputy [redacted] is a 6'-2" Hispanic male with brown hair.

When he was shown six-packs, which included photographs of the involved deputies, he was unable to correctly identify anyone with the exception of Deputy [redacted] who he incorrectly identified as one of the deputies who lifted him to his feet after he was handcuffed. It was actually Deputies Callahan and Morris who lifted him to his feet.

When Galaz was interviewed on October 13, 2003, there was no apparent bruising, swelling, or injury to the right side of Galaz' face where he claimed he was kicked by a shod foot. In addition, investigators examined Galaz' t-shirt which he wore during the incident. Specifically, the t-shirt was examined for the presence of shoe polish transfers or black marks and footprints on the back consistent with Galaz' allegations. No footprints were observed and only one black mark, consistent with shoe polish, was noted on the bottom left side of the front of the shirt.

ICIB investigators canvassed the neighborhood and spoke to several residents. There were no witnesses to the actual arrest.

CONCLUSION

According to the law in California, a peace officer may make an arrest without a warrant whenever the officer has reasonable cause to believe that the person to be arrested has committed a felony or a misdemeanor in his or her presence. A peace officer making an arrest may use reasonable force to make the arrest, prevent an escape, or overcome resistance from the person being arrested. A peace officer may use reasonable force to defend himself or herself against an assault if there are grounds for believing that bodily injury is about to be inflicted on him or her.

There is insufficient evidence upon which to base a prosecution of the deputies. Fernando Galaz' accusation that he was the victim of excessive force lacks corroboration. By all accounts Galaz' efforts to evade the police included a high speed pursuit which involved the ramming of a patrol car. The vehicle pursuit did not end until Galaz was involved in a second collision which disabled his vehicle. Galaz did not surrender at that

time despite helicopters overhead and several patrol units closing in. Instead, he led deputies on a brief foot pursuit which only ended because of his inability to climb over a fence.

Galaz maintained that once he failed to scale the fence, he surrendered. He claimed that the deputies, without provocation, brutally assaulted him by punching, kicking, and stomping him. The deputies, however, said that Galaz' efforts to escape continued after he failed to get over the fence and that he did not follow repeated commands to cease all resistance as they attempted to handcuff him. However, it is noteworthy that shortly after the arrest Callahan told Sergeant [redacted] that after Galaz failed to get over the fence, he put his hands on his head and went down on his knees. At that point he was grabbed by Morris after which they all fell down on the wet slippery grass where Galaz was ultimately handcuffed. For unknown reasons, Callahan left out the salient details of what transpired between the time they ended up on the ground and the time that the handcuffs ended up on Galaz' wrists. Unfortunately, because of the deputies' lack of candidness, it is impossible to deduce exactly what happened, particularly in light of the final version which the deputies wrote in their reports.[4]

Even if one were to accept the original version wherein Galaz placed his hands on his head as he turned to face the deputies, and that he then got down on his knees, these facts alone do not necessarily lead to the conclusion that Galaz did not resist the deputies' efforts to handcuff him once they were on the ground. A trier of fact may reasonably find that Galaz' determination to escape resumed thus justifying the deputies' use of reasonable force. In addition, Galaz' physical appearance was not consistent with the beating he described. His face, particularly the right side where he was allegedly kicked, appeared uninjured. His white t-shirt was examined and found to have only grass stains on the front and back and a small black mark on the front near the bottom. There were no footprints or shoe polish transfer marks observed on the back or sides of his t-shirt. Such evidence would have corroborated his claim of being kicked and stomped.

Galaz also alleged that after he was handcuffed, two to three deputies stepped aside allowing a white deputy, who was a little taller than him, to walk up to him, and jab him two to three times in the chest area with a flashlight. Deputy [redacted] who is Hispanic and approximately half-a-foot taller than Galaz, admitted that he jabbed Galaz with his flashlight. However, he said that this occurred because Galaz was attempting to headbutt Deputy Morris.

In the present case the deputies initially failed to disclose to their supervisors that there were multiple uses of force employed during the arrest of Galaz. However, Galaz' allegation that he was beaten is not supported by the physical evidence observed and gathered at the scene. Aside from this accusation, there is no evidence that the events did not unfold as ultimately reported.

[4] Deputies Callahan and Morris each wrote a report which described Galaz as aggressively turning towards them with raised fists after he failed to get over the fence. There is no mention of Galaz placing his hands on his head and getting on his knees as Callahan initially told Sergeant [redacted]

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Therefore, we decline to initiate criminal proceedings against the deputies. We are closing our file and will take no further action in this matter.

SECTION III
EXHIBITS

EXHIBIT A

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

A TRADITION OF SERVICE

INCIDENT REPORT

ACTION: [X] ACTIVE [ ] INACTIVE [ ] PENDING | NON-CRIMINAL [ ] | # OF ADULT ARRESTS 1 | # OF SUBJECT DETENTIONS Ø

URN # 6 (RETENTION) 03 (YEAR) 16486 (SEQUENTIAL) 1420 (REPORTING DISTRICT) 091 (STAT CODE)

CLASSIFICATION 1 / LEVEL / STATCODE: THEFT AND UNLAWFUL TAKING OF A VEHICLE 10851(a)VC/F/091 — [ ] ATTEMPTED [X] COMPLETED

CLASSIFICATION 2 / LEVEL / STAT CODE: ADW (VEHICLE) ON PEACE OFFICER 245(c)PC/F/053 — [ ] ATTEMPTED [ ] COMPLETED

CLASSIFICATION 3 / LEVEL / STAT CODE: RECKLESS DRIVING 23103(A)VC/M/255 — [ ] ATTEMPTED [ ] COMPLETED

SEX OFFENSE VICTIM INFO? [ ] YES [X] NO

DOMESTIC VIOLENCE: [ ] NON-PERSONAL (GUN, KNIFE, ETC) [ ] PERSONAL (HANDS, FEET, FIST, ETC) INJURY [ ] Major [ ] Minor [ ] None [X] NON-CRIMINAL

DATE, TIME, DAY OF OCCURRENCE: 10-10-03 / APPROX 2300 HRS / FRIDAY

PRINTS REQUESTED [ ] COMPLETED [ ] BY: TIME

LOC. OF OCCURRENCE: [redacted] RUSHMORE ST. PICO RIVERA 90660 — BUS. NAME

CODE: V - VICTIM • W - WITNESS • I - INFORMANT • R - REPORTING PARTY • P - PARTY

CODE	# of	LNAME / FNAME / MNAME	SEX	RACE	ETHNIC ORIGIN	DOB	Age
V	1 2	[redacted]	M	H			35

RES. ADDR.: * D.B.A. DEPUTY SHERIFF * — VICTIM OF OFFENSE(S) (CLASSIFICATION) #: 1 — RES. PHONE (Area Code)

BUS. ADDR.: [redacted] PASSONS BL. PICO RIVERA 90660 — ENGLISH SPEAKING [X] YES [ ] NO — BUS. PHONE (Area Code) 562 949-2421 — Day Phone X

CODE	# of	LNAME / FNAME / MNAME	SEX	RACE	ETHNIC ORIGIN	DOB	Age
V	2 2	[redacted]	F	W		[redacted]	

RES. ADDR.: [redacted] — VICTIM OF OFFENSE(S) (CLASSIFICATION) #: 2 — RES. PHONE: [redacted]

BUS. ADDR.: UNKNOWN — ENGLISH SPEAKING [X] YES [ ] NO

CODE	# of	LNAME	FNAME	MNAME	SEX	RACE	ETHNIC ORIGIN	DOB	Age
I	1 1	OBS	151[redacted]	PM					

RES. ADDR.: — VICTIM OF OFFENSE(S) (CLASSIFICATION) #: — RES. PHONE (Area Code)

BUS. ADDR.: 6631 PASSONS BL. PICO RIVERA 90660 — ENGLISH SPEAKING [X] YES [ ] NO — BUS. PHONE (Area Code) 562 949-2421

CODE: S - SUSPECT • SJ - SUBJECT • M - PATIENT • S/V - SUSPECT / VICTIM • SJ / V - SUBJECT / VICTIM

CODE	# of	LNAME	FNAME	MNAME	DRIVER'S LICENSE (STATE & No.)
S	1 1	GALAZ	FERNANDO	MELENDEZ	[redacted]

RES. ADDR.: [redacted] — RES. PHONE: [redacted]

BUS. ADDR.: UNEMPLOYED — BUS. PHONE (Area Code)

SEX	RACE	ETHNIC ORIGIN	HAIR	EYES	HGT.	WGT.	DOB	Age
M	H		BLK	BRO	508	240	4-12-1980	

CHARGE: 10851(a)VC, 245(c)PC, 23103(A)VC, 2800.2(A)VC — WHERE DETAINED OR CITE #: PRV

AKA: — MONIKER: — BOOKING #: 7870500

CODE	# of	LNAME	FNAME	MNAME	DRIVER'S LICENSE (STATE & No.)
/					

RES. ADDR. CITY ZIP RES. PHONE (Area Code)

BUS. ADDR. CITY ZIP BUS. PHONE (Area Code)

SEX RACE ETHNIC ORIGIN HAIR EYES HGT. WGT. DOB Age

CHARGE — WHERE DETAINED OR CITE #

AKA — MONIKER — BOOKING #

VEHICLE # 1 SUSPECT # VICTIM — STATUS [X] IMPOUNDED [ ] STORED [ ] OUTSTANDING — LICENSE (STATE & No.) [redacted] — YEAR 00 — MAKE TOY — MODEL AVALON — BODY TYPE 4-DOOR — COLOR BLUE

REGISTERED OWNER: [redacted] — IDENTIFYING FEATURES — CHP 180 SUBMITTED: [X] YES [ ] NO — GARAGE NAME & PH.: NITE + DAY TOW

BY DEP.: E. CALLAHAN — COURT EXP / VACATION DATES: N/A — EMPLOYEE #: [redacted] — DEP. — COURT EXP / VACATION DATES — EMPLOYEE #

STATION: PRV — UNIT / CAR #: 151[redacted] — SHIFT: [redacted] — APPROVED: SGT. ANDERSON — DATE 10/11/03 — TIME 1009 — EMPLOYEE # [redacted]

VICTIM DESIRIOUS OF PROSECUTION [X] YES [ ] NO — ASSIGNMENT: D.B.

HQ NOTIFICATION REQ: [ ] YES [X] NO — DEP. — DATE / TIME — SPECIAL REQUEST DISTRIBUTION: LARCIS — SC

SUSP / SUBJ RELEASE APPROVED BY — TIME — PCD SUBMITTED: [X] YES [ ] NO — TT B/C BY — DATE — TIME — SECTY. SC 10/11

76C300F - SH-R-49 (Rev. 06/99)

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COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT
INCIDENT REPORT CONTINUATION

URN: 003-16486-1420-091

CLASSIFICATION # / LEVEL / STAT CODE
EVADING A PEACE OFFICER 2800.2(A)VC/M/252

CLASSIFICATION # / LEVEL / STAT CODE

CLASSIFICATION # / LEVEL / STAT CODE

VEHICLE # SUSPECT # VICTIM	STATUS ☐ STORED ☐ IMPOUNDED ☐ OUTSTANDING	LICENSE (STATE & No.)	YEAR	MAKE	MODEL	BODY TYPE	COLOR
REGISTERED OWNER		IDENTIFYING FEATURES			CHP 180 SUBMITTED: ☐ YES ☐ NO	GARAGE NAME & PH.	

CODE: V - VICTIM • W - WITNESS • I - INFORMANT • R - REPORTING PARTY • P - PARTY

CODE # of	LNAME	FNAME	MNAME	SEX	RACE	ETHNIC ORIGIN	DOB	Age
RES. ADDR.	CITY	ZIP	VICTIM OF OFFENSE(S) (CLASSIFICATION) #: # # # # #	RES. PHONE (Area Code)	Day Phone			
BUS. ADDR.	CITY	ZIP	ENGLISH SPEAKING ☐ YES ☐ NO	BUS. PHONE (Area Code)	Day Phone			
CODE # of	LNAME	FNAME	MNAME	SEX	RACE	ETHNIC ORIGIN	DOB	Age
RES. ADDR.	CITY	ZIP	VICTIM OF OFFENSE(S) (CLASSIFICATION) #: # # # # #	RES. PHONE (Area Code)	Day Phone			
BUS. ADDR.	CITY	ZIP	ENGLISH SPEAKING ☐ YES ☐ NO	BUS. PHONE (Area Code)	Day Phone			
CODE # of	LNAME	FNAME	MNAME	SEX	RACE	ETHNIC ORIGIN	DOB	Age
RES. ADDR.	CITY	ZIP	VICTIM OF OFFENSE(S) (CLASSIFICATION) #: # # # # #	RES. PHONE (Area Code)	Day Phone			
BUS. ADDR.	CITY	ZIP	ENGLISH SPEAKING ☐ YES ☐ NO	BUS. PHONE (Area Code)	Day Phone			

CODE: S - SUSPECT • SJ - SUBJECT • M - PATIENT • S/V - SUSPECT / VICTIM • SJ / V - SUBJECT / VICTIM

CODE # of	LNAME	FNAME	MNAME				DRIVER'S LICENSE (STATE & No.)	
RES. ADDR.	CITY		ZIP				RES. PHONE (Area Code)	
BUS. ADDR.	CITY		ZIP				BUS. PHONE (Area Code)	
SEX	RACE	ETHNIC ORIGIN	HAIR	EYES	HGT.	WGT.	DOB	Age
CHARGE							WHERE DETAINED OR CITE #	
AKA			MONIKER				BOOKING #	
CODE # of	LNAME	FNAME	MNAME				DRIVER'S LICENSE (STATE & No.)	
RES. ADDR.	CITY		ZIP				RES. PHONE (Area Code)	
BUS. ADDR.	CITY		ZIP				BUS. PHONE (Area Code)	
SEX	RACE	ETHNIC ORIGIN	HAIR	EYES	HGT.	WGT.	DOB	Age
CHARGE							WHERE DETAINED OR CITE #	
AKA			MONIKER				BOOKING #	
CODE # of	LNAME	FNAME	MNAME				DRIVER'S LICENSE (STATE & No.)	
RES. ADDR.	CITY		ZIP				RES. PHONE (Area Code)	
BUS. ADDR.	CITY		ZIP				BUS. PHONE (Area Code)	
SEX	RACE	ETHNIC ORIGIN	HAIR	EYES	HGT.	WGT.	DOB	Age
CHARGE							WHERE DETAINED OR CITE #	
AKA			MONIKER				BOOKING #	

DATE	TIME RECEIVED		URN #	PAGE
10-10-03	2300	NO-CALL	603-16486-1420-091	PAGE 3 OF

INPUT / CHECKED NCIC, CII, ETC.: ☒ YES ☐ NO
EVIDENCE (Code EV) HELD:
EVIDENCE ENTERED IN: PATROL CoCd/Col (Ledger/Page#) NARCOTICS ______ (Ledger/Page#) SAFE ______ (Ledger/Page#) BY CALLAHAN

EVIDENCE HELD:
☐ BLOOD ☐ BULLET ☐ BULLET CASING ☐ CHECKS ☐ CLOTHES ☐ CREDIT CARDS ☐ ELECTRONIC EQUIPMENT ☐ FINGERPRINTS
☐ FOOTPRINTS ☐ FRAUD DOCUMENTS ☐ GSR ☐ HAIR ☐ JEWELRY ☐ MISCELLANEOUS ☐ MONEY ☐ NARCOTICS
☐ OTHER PRINTS ☐ PAINT ☒ PHOTOGRAPHS ☐ RAPE KIT ☐ RECEIPTS ☐ TOOLS ☐ URINE ☐ VEHICLE IMPOUNDED
☐ VEHICLE PARTS ☐ WEAPONS ☐ ______

PROPERTY CODE: S – STOLEN • R – RECOVERED • L – LOST • F – FOUND • E – EMBEZZLED • D – DAMAGED • EV – EVIDENCE
(Use all applicable Codes; for example, if property is both Stolen and Recovered, Code is S/R)

RELEASED TO

CODE	ITEM #	QUAN.	DESCRIPTION (Include kind of article, trade name, identifying numbers, physical description, material, color, condition, age and present market value)	SERIAL #	VALUE
S/R	1	1	VEHICLE, 2000 TOYOTA AVALON, 4DOOR, BLUE,		$ 15,000
			LICENSE # [redacted]		
EV	1	1	FLOPPY DISC. "MAXELL", DEPICTING BLOOD		
			ON THE STOLEN VEHICLES STEERING		
			WHEEL.		

PART I STATISTICAL INFORMATION

TYPE OF PROPERTY	STOLEN	RECOVERED	TYPE OF PROPERTY	STOLEN	RECOVERED
CLOTHING/FURS	$	$	JEWELRY	$	$
CONSUMABLE GOODS	$	$	LIVESTOCK	$	$
CURRENCY/NOTES	$	$	LOCAL STOLEN VEHICLES	$ 15,000	$ 15,000
FIREARMS	$	$	MISCELLANEOUS	$	$
HOUSEHOLD GOODS	$	$	OFFICE EQUIPMENT	$	$
			TV/RADIO/STEREO	$	$

VICTIM OF SEX CRIMES REQUEST FOR CONFIDENTIALITY

PURSUANT TO SECTION 293(a) OF THE CALIFORNIA PENAL CODE, YOU ARE INFORMED THAT YOUR NAME WILL BECOME A MATTER OF PUBLIC RECORD, UNLESS YOU REQUEST THAT IT REMAIN CONFIDENTIAL AND NOT BE A PUBLIC RECORD, PURSUANT TO SECTION 6254 OF THE GOVERNMENT CODE.

I, N/A HEREBY (DO) (DO NOT) ELECT TO EXERCISE MY RIGHT TO PRIVACY.

SCREENING FACTORS

YES	NO	FACTOR	YES	NO	FACTOR
☒	☐	1. SUSPECT IN CUSTODY	☒	☐	7. GENERAL SUSPECT DESCRIPTION
☒	☐	2. SUSPECT NAMED/KNOWN	☒	☐	8. GENERAL VEHICLE DESCRIPTION
☐	☒	3. UNIQUE SUSPECT IDENTIFIERS	☐	☒	9. UNIQUE M.O. OR PATTERN
☒	☐	4. VEHICLE IN CUSTODY	☒	☐	10. SIGNIFICANT PHYSICAL EVIDENCE
☐	☒	5. UNIQUE VEHICLE IDENTIFIERS	☒	☐	11. TRACEABLE STOLEN PROPERTY
☐	☒	6. WRITER/REVIEWER DISCRETION	☒	☐	12. MULTIPLE WITNESSES

ON TODAYS DATE AT APPROXIMATELY 2300 HRS L.A. COUNTY PATROL HELICOPTER (AIR 21) RECEIVED A LO-JACK HIT ON A STOLEN VEHICLE. THE LO-JACK SYSTEM IS A VEHICLE RECOVERY SYSTEM THAT CAN BE ACTIVATED, WHEN THE OWNER OF THE VEHICLE REALIZES HIS/HER VEHICLE HAS BEEN STOLEN. THE LO-JACK HIT WAS LOCATED SOMEWHERE IN THE AREA OF ROSEMEAD BL. AND WHITTIER BL. THE LO-JACK RETURN CAME BACK TO A 2000 TOYOTA AVALON, 4-DOOR, BLUE IN COLOR WITH A LICENSE PLATE NUMBER OF [redacted].

WHILE DRIVING NORTH BOUND ROSEMEAD BL. APPROACHING OLYMPIC BL., I OBSERVED A BLUE TOYOTA AVALON STOPPED FACING WEST BOUND OLYMPIC BL. AT ROSEMEAD BL. AS I APPROACHED THE VEHICLE, AIR 21 NOTIFIED ME VIA RADIO THAT THE CAR PARKED AT THE INTERSECTION OF OLYMPIC BL. AND ROSEMEAD BL. WAS IN FACT THE VEHICLE FROM THE LO-JACK RETURN. I NOTICED AT THIS POINT I HAD (1) SHERIFF UNIT DRIVING NORTH BOUND ROSEMEAD DIRECTLY BEHIND ME. AS I GREW CLOSER TO THE VEHICLE, I COULD SEE THE DRIVER (SUSPECT) AND SOLE OCCUPANT OF THE VEHICLE LOOK TOWARDS ME, THEN IMMEDIATELY EXCELERATE NORTH BOUND ROSEMEAD BL DIRECTLY IN FRONT OF ME. I COULD SEE THE VEHICLE LICENSE PLATE ([redacted]) MATCHED THAT OF THE REPORTED STOLEN. I OBSERVED THAT AIR 21 WAS DIRECTLY OVER MY LOCATION. I ADVISED SHERIFF COMMUNICATIONS CENTER, I WAS IN PURSUIT OF A STOLEN VEHICLE EAST BOUND BEVERLY RD. FROM ROSEMEAD BL. I THEN ACTIVATED MY RED LIGHTS AND SIREN.

THE SUSPECT DROVE THROUGH THE INTERSECTION AT BEVERLY RD. AND DURFEE AV. WHILE THE TRAFFIC LIGHT WAS DISPLAYING RED (VIOLATION 21453 (A) VC). THE SUSPECT PROCEEDED WEST BOUND OLYMPIC BL. FROM DURFEE AV. SWERVING WITHIN THE LANE AND STRADDLING THE YELLOW DIVIDER LINE (VIOLATION 22107 CVC). AFTER HAVING MADE HIS WAY BACK TO ROSEMEAD BL. THE SUSPECT DROVE SOUTH BOUND ROSEMEAD BL. THROUGH A RED LIGHT AT WHITTIER BL. (VIOLATION 21453(A)VC). THE SUSPECT DROVE EAST BOUND REICHLING LN. FROM SOUTH BOUND PASSONS BL. DIRECTLY AT DEP. [redacted] MARKED BLACK AND WHITE SHERIFFS PATROL UNIT. THE SUSPECT INTENTIONALLY CRASHED THE STOLEN VEHICLE INTO DEP. [redacted] PATROL VEHICLE (FOR FURTHER SEE DEP. [redacted] SUPPLEMENTAL REPORT UNDER THE SAME).

THE SUSPECT CONTINUED DRIVING ERRACTICALLY THROUGHOUT THE STREETS OF THE SURROUNDING NEIGHBORHOOD. WHILE STILL PURSUING THE STOLEN VEHICLE SOUTH BOUND PICO VISTA RD., THERE WERE SEVERAL MARKED BLACK AND WHITE SHERIFF PATROL UNITS AND A SHERIFF HELICOPTER DIRECTLY BEHIND HIM. THE SUSPECT TURNED WEST BOUND RUSHMORE ST. FROM SOUTH BOUND PICO VISTA RD. AT A HIGH RATE OF SPEED, THUS CAUSING THE SUSPECT TO LOOSE CONTROL OF THE VEHICLE AND CRASH IN THE FRONT YARD OF [redacted] RUSHMORE ST. (FOR FURTHER SEE DEP. OJEDA'S TRAFFIC COLLISION REPORT UNDER THE SAME FILE NUMBER).

ONCE THE VEHICLE HAD COME TO A STOP, I OBSERVED THE SUSPECT EXIT THE DRIVERS DOOR AND RUN WEST BOUND, TOWARDS [redacted] RUSHMORE ST. AS I WAS IN FOOT PURSUIT OF THE SUSPECT, I NOTICED THAT G.E.T. DEP. MORRIS WAS ALSO IN FOOT PURSUIT OF THE SUSPECT RUNNING ALONG SIDE OF ME. THE SUSPECT RAN NORTH BOUND ALONG THE WEST SIDE WALL OF THE RESIDENCE, UNTIL HE CAME TO A LOCKED WOODEN FENCE. I OBSERVED THE SUSPECT FALL DIRECTLY INTO THE FENCE HEAD FIRST THEN FALL TO THE GROUND. THE SUSPECT ATTEMPTED TO PULL HIMSELF UP AND OVER THE FENCE BUT WAS UNSUCCESSFUL. DURING THIS TIME, I ORDERED THE SUSPECT TO GET DOWN ON THE GROUND. AT WHICH TIME HE TURNED TOWARDS DEP.MORRIS AND MYSELF WITH HIS ARMS ELEVATED TOWARDS HIS SHOULDERS AND HIS HANDS CLENCHED IN TO FISTS. THE SUSPECT ATTEMPTED TO SIDE STEP ME AND LUNGE TOWARDS DEP. MORRIS IN WHAT I BELIEVED WAS AN ATTEMPT TO STRIKE HIM. DEP.MORRIS WAS ABLE TO GRAB THE SUSPECT BY HIS LEFT ARM AND DIRECTED HIM TOWARDS THE GROUND. WHILE THE SUSPECT WAS FALLING, I HAD TO REDIRECT MY FOOT PLACEMENT TO THE SIDE, DUE TO THE CONFINED SPACE WE WERE IN AND SO THAT THE SUSPECT WOULD NOT FALL ON ME. WHILE THE SUSPECT WAS LYING ON THE GROUND CHEST DOWN, I POSITIONED MY RIGHT KNEE OVER THE CENTER OF THE SUSPECT'S SHOULDER BLADES IN ORDER TO GAIN CONTROL FOR HANDCUFFING. DUE TO THE SUSPECTS LARGE BUILD AND THE FACT HE WAS STILL STRUGGLING, I WAS UNABLE TO SECURE THE SUSPECTS RIGHT ARM BEHIND HIS BACK, SO I REPOSITIONED MYSELF AND NOTICED THE SUSPECTS UPPER TORSO START TO LIFT OFF THE GROUND. DURING THIS TIME OF STRUGGLING WITH THE SUSPECT'S RIGHT ARM, I WAS GIVING HIM VERBAL COMMANDS TO STOP RESISTING, HE DID NOT. DUE TO THE CONFINED SPACE AND CLOSE PROXIMITY TO DEP.MORRIS, I ELECTED TO "NOT" PEPPER SPRAY THE SUSPECT, FOR FEAR OF US BEING CONTAMINATED.

AS A RESULT OF NOT BEING ABLE TO PEPPER SPRAY AND THE FACT WE WERE LOOSING CONTROL, I PUNCHED THE SUSPECT IN THE RIGHT SIDE TORSO AREA SEVERAL TIMES WITH MY RIGHT FIST. DUE TO THE PUNCHES THE SUSPECT RECEIVED, I WAS ABLE TO GAIN CONTROL OF THE SUSPECTS RIGHT ARM.

I OBSERVED DEP. PEREZ STRIKE THE SUSPECT SEVERAL TIMES IN THE LEFT SIDE TORSO AREA (FOR FURTHER SEE DEP. PEREZ SUPPLEMANTAL REPORT UNDER THE SAME FILE NUMBER). IMMEDIATELY AFTERWARD WITH BOTH DEP.MORRIS AND MYSELF HAVING GAINED CONTROL OF THE SUSPECTS ARMS DEP. CANFIELD WAS ABLE TO ASSIST US WITH HANDCUFFING THE SUSPECT (FOR FURTHER SEE DEP. CANFIELDS SUPPLEMENTAL REPORT UNDER THE SAME FILE NUMBER). ONCE THE SUSPECT HAD BEEN HANDCUFFED DEP. MORRIS AND MYSELF STOOD THE SUSPECT UPRIGHT. I WAS HOLDING ONTO THE SUSPECTS LEFT UPPER ARM (BICEP AREA), WHEN HE SUDDENLY ATTEMPTED TO PULL AWAY FROM ME GOING TOWARDS DEP. MORRIS. I BELEIVED HE WAS GOING TO STRIKE DEP. MORRIS WITH HIS HEAD, THERFORE, I REACHED ACROSS THE SUSPECTS FACE AND UPPER TORSO AREA, INORDER TO GRAB THE SUSPECTS LEFT SHOULDER. AT THE SAME TIME DEP. [redacted] STRUCK THE SUSPECT IN THE STOMACH (FOR FURTHER SEE DEP. [redacted] SUPPLEMENTAL REPORT UNDER THE SAME FILE). DEP. MORRIS AND MYSELF ESCORTED THE SUSPECT TO A PATROL CAR WITHOUT INCIDENT (FOR FURTHER SEE DEP. MORRIS SUPPLEMENTAL REPORT UNDER THE SAME FILE NUMBER).

THE STOLEN VEHICLE WAS TOWED AND STORED 22651 (C)CVC (SEE CHP-180 FOR FURTHER UNDER THE SAME FIEL NUMBER).

THE SUSPECT WAS TRANSPORTED TO PICO RIVERA SHERIFF STATION WHERE HE WAS BOOKED WITH THE APPROVAL OF LT. [redacted] THE PM WATCH COMMANDER.

THE SUSPECT WAS THEN TRANSPORTED TO BEVERLY HOSPITAL WHERE HE WAS TREATED FOR HIS INJURIES (FOR FURTHER SEE DEP. MUEHLICH SUPPLEMENTAL REPORT UNDER THE SAME FILE NUMBER).

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
CRIME ANALYSIS SUPPLEMENTAL FORM -- SUSPECT / SUBJECT INFORMATION

URN 603-1648L-1420-091

BY DEP PEREZ EMPLOYEE # [redacted]

SUSPECT / SUBJECT # 1 NAME GALAZ, FERNANDO

SUSPECT / SUBJECT # ____ NAME ____

CLOTHING DESCRIPTION

ITEM TYPE	DESCRIPTION
SHIRT	WHT
SHORTS	BLU

ITEM TYPES: CAP / HAT, COAT / JACKET, DRESS / SKIRT, GLASSES, GLOVES, JEWELRY, PANTS, SHIRT / BLOUSE, SHOES, SHORTS, OTHER

CLOTHING DESCRIPTION (second suspect)

ITEM TYPE	DESCRIPTION

L	R	UNK	BODY PART	SCARS / MARKS / TATTOOS / ODDITIES
				1" SCAR OVER RT EYEBROW
				4" BIRTHMARK ON
				RT CHEEK AT JAW

☐ SUSPECTED GANG MEMBER NAME OF GANG UNK

L	R	UNK	BODY PART	SCARS / MARKS / TATTOOS / ODDITIES

☐ SUSPECTED GANG MEMBER NAME OF GANG

HAIR LENGTH
- ☐ COLLAR
- ☐ LONG
- ☒ SHORT
- ☐ SHOULDER
- ☐ ____

HAIR TYPE
- ☐ BALD
- ☐ RECEDING
- ☒ THICK
- ☐ THINNING
- ☐ WIG
- ☐ ____

HAIR STYLE
- ☐ AFRO / NATURAL
- ☐ BRAIDED / DREDLOCKS
- ☐ BUSHY
- ☐ BUTCH
- ☐ COMBED BACK
- ☐ CURLERS
- ☐ CURLY
- ☐ FLAT TOP
- ☐ GREASY
- ☐ JHERI CURL
- ☐ MILITARY
- ☐ NETS
- ☐ PONY TAIL
- ☐ PROCESSED
- ☐ PUNK
- ☒ SHAVED
- ☐ STRAIGHT
- ☐ WAVY
- ☐ ____

COMPLEXION
- ☐ ACNE / POCKED
- ☐ ALBINO
- ☐ DARK
- ☐ FRECKLED
- ☐ LIGHT / FAIR
- ☒ MEDIUM
- ☐ PALE
- ☐ RUDDY
- ☐ SALLOW
- ☐ TANNED
- ☐ WEATHERED
- ☐ WRINKLED
- ☐ ____

FACIAL HAIR
- ☐ BEARD
- ☐ CLEAN SHAVEN
- ☐ FUZZ
- ☐ GOATEE
- ☐ LOWER LIP
- ☐ MOUSTACHE
- ☐ SIDE BURNS
- ☒ UNSHAVEN
- ☐ ____

TEETH
- ☐ BROKEN / CHIPPED
- ☐ BRACES
- ☐ BUCK
- ☒ CROOKED
- ☒ DECAYED
- ☐ FALSE
- ☐ GAP / SPACE
- ☐ GOLD CAP
- ☐ JEWELED
- ☐ MISSING
- ☐ NONE
- ☐ SILVER CAP
- ☐ STAINED
- ☐ ____

SPEECH
- ☐ ACCENT
- ☐ DISGUISE
- ☐ LISPS
- ☐ MUMBLES
- ☐ RAPID
- ☐ RASPY
- ☐ SLOW
- ☐ SLURRED
- ☐ STUTTER
- ☐ ____

HANDED
- ☐ LEFT
- ☒ RIGHT
- ☐ BOTH

WEAPON
FIREARM

Style:
- ☐ MULTIPLE
- ☐ BB / PELLET
- ☐ HANDGUN
- ☐ RIFLE
- ☐ SAWED-OFF
- ☐ SHOTGUN
- ☐ SIMULATED
- ☐ ZIP GUN
- ☒ ____

Action:
- ☐ DERRINGER
- ☐ FULLY AUTO
- ☐ PUMP
- ☐ REVOLVER
- ☐ SEMI AUTO
- ☐ SINGLE SHOT
- ☐ ____

Barrel Type:
- ☐ SINGLE BARREL
- ☐ DOUBLE BARREL
- ☐ THREE BARREL
- ☐ 4 OR MORE BARREL
- ☐ ____

Color / Finish:
- ☐ BLUE STEEL
- ☐ CHROME / NICKEL
- ☐ DULL BLACK
- ☐ RUSTED
- ☐ STAINLESS STEEL
- ☐ ____

Grip / Stock:
- ☐ ALTERED
- ☐ BONE / PEARL / IVORY
- ☐ COLLAPSES / FOLDS
- ☐ METAL / PLASTIC
- ☐ NO GRIP
- ☐ RUBBER / VINYL
- ☐ TAPED
- ☐ THUMB HOLE
- ☐ WOOD
- ☐ ____
- ☐ GAUGE ____ / ____
- ☐ CALIBER ____ / ____

KNIFE
Style:
- ☐ MULTIPLE
- ☐ BUCK
- ☐ BUTCHER / KITCHEN
- ☐ DIRK / DAGGER / STILETTO
- ☐ HUNTING / BOWIE
- ☐ SIMULATED
- ☐ SWITCHBLADE
- ☐ TOY
- ☐ ____

Blade:
- ☐ FIXED
- ☐ FOLDING

CHEMICAL
- ☐ CAUSTIC
- ☐ INFECTIOUS
- ☐ MACE
- ☐ PEPPER SPRAY
- ☐ SIMULATED
- ☐ TEAR GAS
- ☐ TOXIC
- ☐ ____

BLUNT INSTRUMENT
- ☐ BASEBALL BAT
- ☐ BILLY CLUB
- ☐ BRASS KNUCKLES
- ☐ BRICK / ROCK / BOTTLE
- ☐ CLUB / BLUDGEON
- ☐ HAMMER / TOOL
- ☐ NUNCHAKUS
- ☐ TIRE IRON
- ☐ ____

CUT / STAB
- ☐ BAYONET / SWORD
- ☐ BOTTLE / GLASS
- ☐ ICE PICK
- ☐ MACHETE
- ☐ RAZOR
- ☐ SCREWDRIVER
- ☐ THROWING STARS
- ☐ ____

EXPLOSIVE / INCENDIARY
- ☐ FIREWORKS
- ☐ MOLOTOV COCKTAIL
- ☐ ____

OTHER WEAPON
- ☐ BODILY FORCE
- ☐ LIGATURE
- ☐ SLING SHOT
- ☐ SYRINGE
- ☐ TASER / STUN GUN
- ☒ VEHICLE

RELATIONSHIP OF VICTIM TO SUSPECT:
- V#____ V#____ ACQUAINTANCE
- V#____ V#____ BABYSITTEE (PERSONS WATCHED / BABY)
- V#____ V#____ BOYFRIEND / GIRLFRIEND
- V#____ V#____ CHILD
- V#____ V#____ CHILD OF BOYFRIEND OR GIRLFRIEND
- V#____ V#____ COMMON - LAW SPOUSE
- V#____ V#____ EMPLOYEE
- V#____ V#____ EMPLOYER
- V#____ V#____ EX - SPOUSE
- V#____ V#____ FRIEND
- V#____ V#____ GRANDCHILD
- V#____ V#____ GRANDPARENT
- V#____ V#____ HOMOSEXUAL RELATIONSHIP
- V#____ V#____ IN - LAW
- V#____ V#____ NEIGHBOR
- V#____ V#____ OTHER FAMILY MEMBER
- V#____ V#____ OTHERWISE KNOWN
- V#____ V#____ PARENT
- V#____ V#____ RELATIONSHIP UNKNOWN
- V#____ V#____ SIBLING (BROTHER OR SISTER)
- V#____ V#____ SPOUSE
- V#____ V#____ STEPCHILD
- V#____ V#____ STEPPARENT
- V#____ V#____ STEPSIBLING (STEPBROTHER OR STEPSISTER)
- V#____ V#____ VICTIM WAS OFFENDER

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LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
CRIME ANALYSIS SUPPLEMENTAL F(I -- M. O. FACTORS

URN 603-(186-1420-091

AREA
- AIRPORT
- BEACH / OCEAN
- COMMERCIAL
- CONSTRUCTION SITE
- DESERT
- DRIVEWAY
- FREEWAY / HIGHWAY
- GOLF COURSE
- HARBOR
- INDUSTRIAL / WHOLESALE
- MOUNTAINS / FOOTHILLS
- PARK
- RESIDENTIAL
- RIVER
- RURAL / ISOLATED
- SCHOOL GROUNDS
- SHOPPING CENTER
- SIDEWALK
- STREET / ALLEY
- TRAIN RIGHT-OF-WAY / TRACKS
- VACANT LOT / OPEN FIELD
- WATER / LAKE

STRUCTURE: RESIDENTIAL
- APARTMENT
- CONDOMINIUM / TOWNHOUSE
- CONVALESCENT HOSPITAL
- DUPLEX
- MOBILE HOME
- SINGLE FAMILY
- VESSEL / BOAT

STRUCTURE: NON - RESIDENTIAL
- BANK / FINANCE
- BAR
- BUSINESS OFFICE
- CARGO CONTAINER
- CATERING TRUCK
- ENTERTAINMENT / RECREATION
- FAST FOOD
- GAS STATION
- HOSPITAL
- HOTEL / MOTEL
- INDUSTRIAL / MANUFACTURING / WAREHOUSE
- JAIL / PRISON
- JEWELRY / COIN / PAWN
- LIQUOR
- MARKET
- MINI MART
- NURSING FACILITY
- PARKING LOT / STRUCTURE
- PASSENGER STATION / PLATFORM (PAX)
- PHARMACY / MEDICAL / DENTAL
- PUBLIC BUILDING
- RELIGIOUS BUILDING
- RESTAURANT
- RETAIL GOODS
- RETAIL SERVICE / REPAIR
- SCHOOL
- STORAGE / RENTAL
- TRAIN - FREIGHT
- TRAIN - PASSENGER - LIGHT RAIL
- TRAIN - PASSENGER - HEAVY RAIL
- VEHICLE - COMMERCIAL
- VESSEL / BOAT
- VIDEO / MUSIC

TARGET: RESIDENTIAL
- ATTIC
- BEDROOM
- DINING ROOM
- GARAGE / PARKING AREA
- HALLWAY
- KITCHEN
- LAUNDRY ROOM
- LIVING / FAMILY ROOM
- MAIL BOX
- PATIO / PORCH
- SAFE / BOX
- STORAGE / SHED
- STABLES / TACK ROOM
- VEHICLE

TARGET: NON - RESIDENTIAL
- AUTOMATED TELLER
- CASH REGISTER / DRAWER
- CLASSROOM / SUPPLIES
- COIN OP MACHINE
- DISPLAY ITEMS
- OFFICE
- SAFE / BOX
- SNACK BAR
- STORAGE LOCKER
- VEHICLE
- VESSEL
- BICYCLIST
- CUSTOMER
- ELDER / SENIOR CITIZEN
- DISABLED PERSON
- OWNER / EMPLOYEE
- PEDESTRIAN
- TRANSIENT
- VICTIM IN VEHICLE

POINT OF ENTRY / EXIT (IN / EX)
- FRONT
- REAR
- SIDE
- GROUND LEVEL
- UPPER LEVEL
- ADJACENT BUILDING
- BASEMENT
- DOOR / SCREEN
- DUCT / VENT
- FENCE / GATE
- FIREPLACE
- FLOOR
- GARAGE
- GLASS DOOR
- HOUSE BEING FUMIGATED
- LOUVRE
- MAIL SLOT
- PET DOOR
- ROOF / SKYLIGHT
- SLIDING GLASS DOOR
- WALL
- WINDOW / SCREEN

VEHICLE ENTRY / EXIT (IN / EX)
- CAMPER / SHELL / MOTORHOME
- CONVERTIBLE
- DOOR
- DRIVER SIDE
- HOOD
- PASSENGER SIDE
- SUNROOF
- TRUCK BED
- TRUNK
- WINDOW
- WINDWING

METHOD OF ENTRY
- ATTEMPT ONLY
- BODILY FORCE
- CUT
- HID IN BUILDING
- KICKED
- KNOB TWIST
- LET IN / RUSE
- LOCK BOX
- LOCK CUT / BROKEN
- LOCK PUNCHED
- LOCK SLIP / KEY / PICK
- NO FORCE
- OPEN FOR BUSINESS
- OPEN / UNLOCKED
- PHONE
- PRIED
- REMOVED
- SMASHED
- TUNNELED
- UNBOLTED GATE

METHOD OF ENTRY: TOOLS USED
- BODILY FORCE
- BOLT CUTTER
- BRICK / ROCK
- CHANNEL LOCK / PLIERS
- CUTTING INSTRUMENT
- ELECTRONIC DEVICE
- GLASS CUTTER
- KEY
- PRY TOOL
- SAW / BURN / DRILL
- SLIDE HAMMER
- SLIP DEVICE
- VEHICLE

SECURITY SYSTEM
- NONE
- AUDIBLE ALARM
- CAMERA
- CRIME WATCH
- DOG
- FENCE / BARS
- GUARD SERVICE
- OPERATION ID
- OUTSIDE LIGHTING
- SECURITY SIGN / STICKER
- SILENT ALARM
- SPECIAL LOCKS / DEADBOLT
- WINDOW BARS

SUSPECT ACTIONS
- ATE / DRANK ON PREMISES
- CASED LOCATION
- COSTUME / DISGUISE WORN
- DEFECATED / URINATED
- DEMAND NOTE USED
- DEMANDED DRUGS / MONEY / ETC.
- DISABLED PHONE
- DISABLED POWER
- DISABLED SECURITY SYSTEM
- DISABLED VEHICLE
- EXCESSIVE FORCE
- FIRED WEAPON
- FONDLED SELF
- GRAFFITI
- HID IN BUILDING
- IGNITION PUNCHED
- JUMPED THE COUNTER
- KNEW LOCATION OF HIDDEN CASH
- MASK WORN
- MASTERBATED / EJACULATED
- PHOTOGRAPHED / VIDEOTAPED
- PILLOWCASE TAKEN / USED
- POLICE SCANNER USED
- RANSACKED
- RECORDED / LOGGED EVENTS
- RIPPED / CUT CLOTHING
- SELECTIVE PROPERTY TAKEN
- SMOKED
- TAKEOVER
- TOOK CONCEALABLES
- USED MULTIPLE WEAPONS
- VEHICLE USED TO REMOVE PROPERTY
- VANDALIZED
- VICTIM'S NAME USED
- VICTIM'S TOOLS USED
- WASHED CLOTHING / BEDDING
- WIPED SCENE AFTER CRIME

SUSPECT WAS / HAD:
- ALCOHOL ON BREATH
- ANGRY
- APOLOGETIC
- BAD BREATH
- BODY ODOR / UNUSUAL ODOR
- GANG - RELATED
- INTIMIDATED / COERCED
- NEVER SPOKE / QUIET
- POLITE / KIND
- PROFANITY
- QUOTES, UNUSUAL
- RAGE
- TRUST VIOLATION
- UNDER INFLUENCE

SUSPECT PRETENDED TO BE:
- BUSINESS PERSON
- CONVERSATION / BEFRIENDED
- CUSTOMER
- DELIVERY PERSON
- FAMILY MEMBER
- FIND MONEY
- HANDICAPPED
- LEND ASSISTANCE
- NEED ASSISTANCE OR EMERGENCY
- NEED TOILET / PHONE / WATER
- OFFERED GOODS / SERVICES
- POLICE / SECURITY
- POSITION OF TRUST
- REPAIR PERSON
- SALES PERSON
- SEEK EMPLOYMENT
- SOLICIT DONATIONS
- UTILITY EMPLOYEE

VICTIM WAS:
- ASKED TO POSE / MODEL
- BLINDFOLDED
- BOUND / GAGGED
- BURNED
- CUT / STABBED
- DISTRACTED
- DRUGGED / SEDATED
- EXPLOITED
- FACE COVERED
- FOLLOWED
- FONDLED
- FORCED TO DISROBE
- FORCED TO FONDLE SUSPECT
- FORCED TO LIE ON FLOOR
- FORCED TO MASTURBATE
- FORCED TO MOVE
- FORCED TO ORALLY COPULATE SUSPECT
- GANG RELATED
- HANDCUFFED
- INJURED / HIT
- LOCKED IN
- MADE TO COUNT
- PINCHED
- PISTOL WHIPPED
- SHOT
- SLAPPED
- THREATENED
- TORTURED / MUTILATED

BIAS - MOTIVATED INCIDENT:

RACIAL
- ANTI - WHITE
- ANTI - BLACK
- ANTI - AMERICAN INDIAN / ALASKAN NATIVE
- ANTI - ASIAN / PACIFIC ISLANDER
- ANTI - MULTIRACIAL GROUP

RELIGIOUS
- ANTI - JEWISH
- ANTI - CATHOLIC
- ANTI - PROTESTANT
- ANTI - ISLAMIC (MUSLIM)
- ANTI - OTHER RELIGION
- ANTI - MULTIRELIGIOUS GROUP
- ANTI - ATHEISM / AGNOSTICISM

ETHNICITY / NATIONAL ORIGIN
- ANTI - HISPANIC
- ANTI - OTHER ETHNICITY / NATIONAL ORIGIN

SEXUAL
- ANTI - MALE HOMOSEXUAL (GAY)
- ANTI - FEMALE HOMOSEXUAL (LESBIAN)
- ANTI - HOMOSEXUAL (GAYS & LESBIANS)
- ANTI - HETEROSEXUAL
- ANTI - BISEXUAL

GENDER
- ANTI - MALE
- ANTI - FEMALE
- ANTI - TRANSGENDER

DISABILITY
- ANTI - MENTAL DISABILITY
- ANTI - PHYSICAL DISABILITY

N A

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SHERIFF'S DEPARTMENT-COUNTY OF LOS ANGELES
CRIME SUMMARY INFORMATION
PROBABLE CAUSE DECLARATION / ARREST REVIEW

U.R.N.	COURT	BOOKING #
603-16486-1420-091	WHITTIER	7870500

ARRESTEE (LAST, FIRST, MIDDLE)	D.O.B.
GALAZ, FERNANDO MELENDEZ III	4-12-1980

DATE / TIME OF ARREST	48 HR EXP. DATE / TIME	LOCATION OF ARREST
10-10-03 / 2325	10-12-03 / 2325	[redacted] RUSHMORE ST, PICO RIVERA

BOOKING CHARGES	SUPPLEMENTAL HOLDS
245(c) PC / ADW (VEHICLE) ON PEACE OFFICER	10851 VC / TAKING VEHICLE WITHOUT OWNERS CONSENT

ARRESTING AGENCY / DIVISION	ARRESTING OFFICER(S)
LASD / PRV	DEP. CALLAHAN 439115

Facts establishing elements and identification of defendant

AT APPROXIMATELY 2300 HRS LASD AIR 21 RECEIVED A LO-JACK HIT OVER THE CITY OF PICO RIVERA. I LOCATED THE STOLEN VEHI ON OLYMPIC BL. AND ROSEMEAD BL., DESCRIBED AS A 2000, TOYOTA AVALON 4-DOOR, LIC# [redacted]. I INITIATED A PURSUIT OF THE VEHICLE, DRIVEN BY THE ABOVE SUSPECT, WHILE UTILIZING MY RED LIGHTS AND SIREN.

DURING THE PURSUIT, THE SUSPECT INTENTIONALLY SWERVED HIS VEHICLE TOWARDS [redacted] PATROL UNIT STRIKING THE DRIVERS SIDE DOOR.

AFTER APPROXIMATELY 14 MINUTES, THE PURSUIT WAS TERMINATED AT THE ABOVE LOCATION AND THE SUSPECT WAS DETAINED. THE SUSPECT DECLINED TO ANSWER QUESTIONS ABOUT HIS POSSESSION OF THE VEHICLE THE SUSPECT WAS THEN ARRESTED.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

EXECUTED ON 10-10-03 AT LOS ANGELES COUNTY, CALIFORNIA

BY DEP. CALLAHAN EMPLOYEE # [redacted]

BASED ON THE ARRESTING OFFICER'S STATEMENTS, I CONCUR THERE IS PROBABLE CAUSE TO BELIEVE THE ARRESTEE COMMITTED A CRIME.

Watch Sergeant: Sgt. [signature]	Date / Time: 10-11-03 / 0500
Watch Commander: [signature]	Date / Time: 10-11-03 / 0853
Conferring Detective:	Shaded section is for felony or juvenile arrests only

On the basis of the officer's declaration and / or reports reviewed, I hereby determine there ☐ **IS** ☐ **IS NOT** *probable cause to believe this arrestee has committed a crime.*

DATE: ______ TIME: ______ ______

SIGNATURE OF JUDICIAL OFFICER

SH-CR - 461

FERNANDO

LOS ANGELES COUNTY JAIL

BOOKING AND PROPERTY RECORD

[redacted]

[redacted]

BOOKING NO	LOC BKD	DR. LIC NO	STATE	
7870500	PRV	[redacted]		1

ARRESTEE'S NAME (LAST, FIRST, MIDDLE): GALAZ, FERNANDO MELENDEZ III — 2

ADDRESS / CITY: [redacted] — SEX: M — 3

DESCENT	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE	AGE	
H	BLK	BRO	5'8	175	4-12-80	23	4

VEH LIC NO.	STATE	RPT DIST	AKA/NICKNAME	
[redacted]		1515	"FERNIE"	5

BIRTHPLACE	FILE NO	AD. CHG.	
CA	603-16486-1420-091	Y	6

AG'Y. OR DETAIL ARRESTING	DATE & TIME ARRESTED	TIME BKD.	
1501	10/10/03, 2325	0032	7

LOCATION OF ARREST	TOTAL BAIL	
[redacted] RUSHMORE ST, PRV	50,000	8

CHARGE	WARR./COMM NO.	
245(C) ADW (VEHICLE) ON PEACE OFFICER	-	9

JAIL LOC.	ARRAIGN. DATE	TIME	COURT
PRV	10-15-03	0830	WHITTIER

SOC. SEC. NO.: [redacted]

OBSERVABLE PHYSICAL ODDITIES: 1" SCAR OVER RT EYEBROW 4" BROWN BIRTHMARK ON RT CHEEK AT JAW

OCCUPATION: WAREHOUSE LABORER — 11

EMPLOYER (FIRM OR PERSON'S NAME, CITY & PHONE NO.): UNEMPLOYED

SPECIAL MEDICAL PROBLEM: NONE — 12

CLOTHING WORN: WHT T-SHIRT, BLK L/S SHIRT, BLUE SHORTS, WHT SHOES

LOCATION OR DISPOSITION OF VEHICLE: NITE 'N' DAY TOW — 13

IN CASE OF EMERGENCY NOTIFY (NAME, RELATIONSHIP, ADDRESS, CITY & PHONE NO.): [redacted] — 14

ARRESTING OFFICER	BOOKING EMPLOYEE	SEARCHING OFFICER	TRANSPORTING OFFICER	
CALLAHAN [redacted]	MUEHLICH [redacted] OJEDA [redacted]	→	→	15

CASH RETAINED	PROPERTY	
Ø	CLOTHING WORN	16

PRISONER'S SIG. FOR REC'T. OF FOREGOING CASH & PROPERTY: X [signature] — 17

CASH DEPOSITED	PROPERTY	
Ø	BROWN LEATHER BELT, MOTOROLA CELL PHONE	18

19

PRISONER'S SIG. FOR REC'T. OF REMAINING CASH & PROPERTY: X — 20

STATION RECORDS

LENGTH OF TIME RESIDED AT PRESENT RESIDENCE

LENGTH OF TIME RESIDED WITHIN STATE

LENGTH OF TIME EMPLOYED BY PRESENT EMPLOYER

MARITAL STATUS

NUMBER OF DEPENDENTS — AGES

MISDEMEANOR DISPOSITION BY — HOLD — CITE

REASON

FELONY ADDT'L NCIC WARRANT

PRISONER'S SIGNATURE WHEN BOOKED: [signature] — 10

FOREIGN NATIONAL: YES / NO / REF

76B650B-SH-J-293 5/94

JAI Main [redacted]

CII FBI [redacted]

1mL 10/11/03

EXHIBIT B

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

SUPPLEMENTAL REPORT

URN: 603-16486-1420-091 PAGE 1 OF 3

ACTION: ACTIVE (A) INACTIVE ( ) PENDING ( ) INDEX INFO: YES ( ) NO ( ) No. of ADULT ARRESTS No. of Subject DETENTIONS

CLASSIFICATION ASSAULT WITH DEADLY WEAPON ON PEACE OFFICER, 245(c)P.C./053

DATE, TIME, DAY, OF OCCURRENCE 10-10-03, 2325 HRS, FRIDAY

LOCATION OF OCCURRENCE · PICO VESTA & RUSHMORE ST, PRV

CODE: V	No.	LAST NAME:	FIRST:	SEX	RACE
CODE: S	No. 1	LAST NAME: GALAZ	FIRST: FERNANDO 4-12-80	SEX M	RACE H

THE PURPOSE OF THIS SUPPLEMENTAL REPORT IS TO PROVIDE ACTIVE ADDITIONAL INFORMATION RE: FOOT PURSUIT AFTER TERMINATION OF VEHICLE PURSUIT.

WE WERE AT THE CORNER OF PICO VESTA AND RUSHMORE (IN OUR MARKED PATROL VEHICLE) FOLLOWING A VEHICLE PURSUIT OF AN ASSAULT WITH A DEADLY WEAPON ON PEACE OFFICER SUSPECT.

WE WATCHED AS THE SUSPECTS VEHICLE CRASHED INTO THE CURB AND THEN A SMALL TREE (LOCATED ON THE S/W CORNER OF RUSHMORE AND PICO VESTA.

THE SUSPECT EXITED THE VEHICLE AND RAN W/B RUSHMORE ST. FROM PICO VESTA, ALONG THE NORTH SIDE OF THE STREET. WE CHASED THE SUSPECT ON FOOT AT A DISTANCE OF APPROXIMATELY TWENTY FEET TO [redacted] RUSHMORE STREET, AT [redacted] RUSHMORE ST THE SUSPECT RAN N/B ALONG THE WEST SIDE OF THE PROPERTY TOWARDS THE FENCE SEPERATING THE BACKYARD FROM THE FRONT YARD.

LARCIS

SC 46

BY DEPUTY MORRES BADGE No. [redacted]

STATION PRV UNIT/CAR No. W515 SHIFT PM

APPROVED ANDERSON BADGE No. [redacted] TIME 0714

ASSIGNMENT D.B.

SPECIAL REQUEST DISTRIBUTION

8

DATE: 10-10-03 FILE NO. 603-16486-1420-091

I WATCHED AS THE SUSPECT FELL HEAD AND CHEST FIRST INTO THE WOODEN FENCE. THE SUSPECT FELL TO THE GROUND STOOD UP AND ATTEMPTED TO PULL HIMSELF OVER THE FENCE.

DEP. CALLAHAN [redacted] AND I ORDERED THE SUSPECT TO GIVE UP AT WHICH POINT HE FELL OFF THE FENCE AND TURNED TOWARDS US WITH HIS ARMS IN THE AIR AND HIS HANDS BALLED IN FIST. HE THEN LUNGED TOWARDS ME AT WHICH POINT I GRABBED HIM BY THE ARM AND PUSHED HIM TOWARDS THE GROUND.

I TOLD THE SUSPECT TO PUT HIS ARMS BEHIND HIS BACK. THE SUSPECT IGNORED MY VERBAL COMMANDS AND STARTED TO PLACE HIS ARMS BENEATH HIS BODY AS IF TO GET UP. THE SUSPECTED STARTED TO LIFT HIS TORSO FROM THE GROUND WHEN I GRABBED HIS LEFT ARM AND HE FELL BACK TO THE FLOOR. AS I STRUGGLED TO PLACE HIS LEFT ARM BEHIND HIS BACK, I COULD FEEL HIM PULLING HIS ARM AWAY FROM ME TOWARDS HIS CHEST AREA.

BELEAVING THE SUSPECT WAS GOING TO BREAK FREE OF MY HOLD, I STRUCK HIM SEVERAL TIMES IN THE LEFT SIDE AND LOWER BACK AREA WITH MY RIGHT FIST WHILE I WAS HOLDING MY FLASHLIGHT. IT SHOULD BE NOTED, AT THIS POINT I WAS STANDING UP WITH MY UPPER BODY BENT OVER THE SUSPECT'S BODY. I REPOSITIONED MYSELF, PLACING MY LEFT KNEE ACROSS THE SUSPECT'S UPPER BACK AND CONTINUED TO PULL THE SUSPECT'S ARM TOWARDS HIS BACK. AT THIS POINT, DEP PEREZ [redacted] STRUCK THE SUSPECT SEVERAL TIMES IN THE LEFT SIDE. AFTER SEVERAL MORE MOMENTS OF STRUGGLING WITH THE SUSPECT WE WERE ABLE TO HANDCUFF HIM WITH THE ASSISTANCE OF DEP. CANFIELD [redacted]

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT SUPPLEMENTAL REPORT
NARRATIVE CONTINUATION

DATE: 10-10-03 FILE NO. 603-16456-1420-091

DEP. CALLAHAN AND I STOOD THE SUSPECT UP IN ORDER TO ESCORT HIM TO A RADIO CAR. WHILE I WAS HOLDING THE SUSPECTS LEFT BICEP AND FOREARM, HE LUNGED TOWARDS ME WITH HIS HEAD. AS I LEANED AWAY FROM THE SUSPECT, DEP. CALLAHAN GRABBED THE SUSPECT BY THE LEFT SHOULDER AREA OF HIS SHIRT BY REACHING ACROSS THE SUSPECTS FACE AND CHEST AREA. AT THE SAME TIME, DEP. [redacted] STRUCK THE SUSPECT IN THE STOMACH. DEP. CALLAHAN WAS ABLE TO PULL THE SUSPECT AWAY FROM ME AT WHICH POINT WE WERE ABLE TO ESCORT HIM TO A PATROL CAR WITHOUT FURTHER INCIDENT.

FOR FURTHER INFO, REFER TO ORIGINAL REPORT UNDER SAME FILE NUMBER.

EXHIBIT C

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

SUPPLEMENTAL REPORT

URN: 603-16486-1420-091 PAGE 1 OF 2

ACTION: ACTIVE (X) INACTIVE ( ) PENDING ( ) INDEX INFO: YES ( ) NO ( ) No. of ADULT ARRESTS No. of Subject DETENTIONS

CLASSIFICATION ASSAULT WITH A DEADLY WEAPON ON PEACE OFFICER, 245(c) P.C.

DATE, TIME, DAY, OF OCCURRENCE 10-10-03, 2325 HRS., FRIDAY

LOCATION OF OCCURRENCE RUSHMORE ST. / PICO VISTA ST., PICO RIVERA

CODE: V	No.	LAST NAME: [redacted]	FIRST: [redacted]	SEX M	RACE H
CODE: S	No.	LAST NAME: GALAZ	FIRST: FERNANDO	SEX M	RACE H

THE PURPOSE OF THIS SUPPLEMENTAL - REPORT IS TO PROVIDE ACTIVE ADDITIONAL INFORMATION REGARDING THE USE OF FORCE AT THE TERMINATION OF A VEHICLE/FOOT PURSUIT.

AFTER THE SUSPECT COLLIDED HIS VEHICLE ON THE SOUTH CURBLINE OF RUSHMORE ST, I SAW THE SUSPECT RUN WESTBOUND TOWARDS THE NORTH SIDE OF RUSHMORE ST. MY PARTNER (DEP. MORRIS [redacted]) AND I ENGAGED IN A FOOT PURSUIT AND CHASED THE SUSPECT. AS WE CHASED THE SUSPECT, I WAS APPROXIMATELY TEN YARDS BEHIND MY PARTNER, I THEN SAW THE SUSPECT RUN ON THE SIDE OF A HOUSE ([redacted] RUSHMORE ST.). WHEN I ARRIVED ON THE SIDE OF THE HOUSE, I SAW THE SUSPECT LYING ON HIS STOMACH. THE SUSPECTS HANDS WERE EXTENDED OUT ABOVE HIS HEAD.

I THEN SAW DEPUTY CALLAHAN [redacted] STRUGGLING TO PUT THE SUSPECTS RIGHT HAND BEHIND HIS BACK IN AN ATTEMPT TO HANDCUFF HIM. DEPUTY CALLAHAN REPEATEDLY ORDERED THE SUSPECT TO PUT HIS HANDS BEHIND HIS BACK WHICH HE REFUSED TO DO.

LARCIS
—/—/—
SC

49

BY DEPUTY M. PEREZ BADGE No. [redacted]
STATION PRV UNIT/CAR No. [redacted] SHIFT PM
APPROVED ANDERSON BADGE No. [redacted] TIME 09L
ASSIGNMENT D.B.
SPECIAL REQUEST DISTRIBUTION

EPORT CONTINUATION _ NARRATIVE | URN 603-16486-1420-091

I ALSO SAW DEP. MORRIS STRUGGLING WITH THE SUSPECTS LEFT ARM IN AN ATTEMPT TO HANDCUFF HIM, WHICH HE STILL REFUSED TO DO. BELIEVING THE SUSPECT WAS ARMED AND THE ONLY WAY I THOUGHT THE SUSPECT WOULD COMPLY AND PUT HIS HANDS BEHIND HIS BACK SO WE COULD HANDCUFF HIM, I PUNCHED HIM ON THE LEFT SIDE OF HIS TORSO SEVERAL TIMES (APPROXIMATELY 3-4 TIMES).

I THEN ORDERED THE SUSPECT TO PUT HIS HANDS BEHIND HIS BACK WHICH HE STILL REFUSED TO DO. I THEN SAW DEPUTY CALLAHAN PUNCH THE SUSPECT ON THE RIGHT SIDE OF HIS TORSO APPROXIMATELY TWO TIMES. THE SUSPECT STILL REFUSED TO PUT HIS HANDS BEHIND HIS BACK.

WITH THE ASSISTANCE OF DEPUTY CANFIELD, [redacted], WE WERE FINALLY ABLE TO PUT THE SUSPECTS HANDS BEHIND HIS BACK AND HANDCUFF HIM WITHOUT FURTHER INCIDENT.

EXHIBIT D

COUNTY OF LOS ANGELES-SHERIFF'S DEPARTMENT SUPPLEMENTAL REPORT

DATE: October 10, 2003 FILE: 603-16486-1420-091

C: Assault with a deadly weapon (vehicle) ACTION: Additional active information

245(a)(1) PC / F / 057

V:

D:

S: Galaz, Fernando Melendez DOB 04/12/80

NARRATIVE

The purpose of this supplemental report is to provide additional active information regarding the arrest of Suspect, Fernando Melendez Galaz.

On the above date and at about 2250 hours LASD Aero unit 21 advised all Pico Rivera Station units that they were receiving a Lojack hit on a reported stolen vehicle in the area of Whittier Bl and Passons Bl in the city of Pico Rivera. [redacted] was a ride along in my radio car. My radio car was Lojack equipped and We responded to the area to check the vicinity for the stolen vehicle. The vehicle was described as a blue 4 door 2000 Toyota Avalon, license plate #[redacted].

At about 2315 hours Deputy Callahan #[redacted] unit 151[redacted], advised he was in pursuit of the stolen vehicle east on Beverly Rd from Rosemead Bl. I responded to the area and was advised by Sheriff Communication Center (SCC) that only three units were authorized to be in the pursuit.

I monitored the pursuit and stayed in the area in order to help with a containment if the pursuit terminated and S/Galaz attempted to flee on foot. I was west bound in the 9300 block of Reichling Ln, when S/Galaz turned east on Reichling Ln from Lemoran Av. S/Galaz was traveling east on Reichling Ln and began to slow down the stolen vehicle. S/Galaz was opening the driver's side door and it appeared he was getting ready to exit the vehicle. Believing that S/Galaz was attempting to flee on foot, I opened my driver's side door preparing to exit my radio car.

S/Galaz looked in my direction and appeared surprised at my presence. S/Galaz had enough room to pass my radio car on the left side. S/Galaz accelerated the stolen vehicle and began driving right at me. Fearing for my safety, I pulled my left leg back into the radio car at which time S/Galaz rammed the driver's side door, slamming it closed.

I advised SCC that S/Galaz just rammed my radio car. The pursuit continued and I monitored via the radio.

I continued to parallel the pursuit and a few minutes later S/Galaz crashed in the area of Pico Vista Av and Rushmore St. Deputies advised S/Galaz was fleeing from the vehicle and they were now in foot pursuit. I arrived at the termination of the pursuit and went to [redacted] Rushmore St. to assist Deputies in taking S/Galaz into custody.

As I arrived on the west side of the house I saw Deputies Callahan #[redacted] and Morris #[redacted] with S/Galaz in the rear portion between the houses. As I approached I saw Deputy Morris holding S/Galaz by the left arm.

BY: [redacted] #[redacted]

APPROVED: SGT. ANDERSON [redacted] 0850

ASSIGNED: DB

SECRETARY:

LARCIS
SC

DATE: October 10, 2003 FILE NO. 603-16486-1420-091

At that moment I saw S/Galaz lunge forward towards Deputy Morris with his head. Deputy Morris avoided being struck in the head by leaning back which caused him to let go of S/Galaz' arm. Fearing for Deputy Morris' safety and believing that S/Galaz was attempting to flee, I jabbed S/Galaz two to three times in the mid torso area with the end of my flashlight that I was holding in my right hand.

Deputy Callahan grabbed S/Galaz' and pulled him back away from Deputy Morris. Deputies Callahan and Morris escorted S/Galaz from the rear portion of the yard to a radio car without further incident.

I reported my use of force to the EM Field Sergeant, Sgt. [redacted]

EXHIBIT E

COUNTY OF LOS ANGELES-SHERIFF'S DEPARTMENT SUPPLEMENTAL REPORT

DATE: 10-10-03, 2325 HRS

FILE: 603-16486-1420-091

C: 245 (C) P.C./F/ ASSAULT WITH A DEADLY WEAPON ON A PEACE OFFICER

ACTION: ACTIVE

V:

D:

S: GALAZ, FERNANDO MH/4-12-80

NARRATIVE

THE PURPOSE OF THIS REPORT IS TO GIVE ADDITIONAL ACTIVE INFORMATION IN REGARDS TO THE ABOVE FILE NUMBER.

AT THE CONCLUSION OF A VEHICLE PURSUIT AND TRAFFIC COLLISION INVOLVING THE SUSPECT, I SAW THE SUSPECT RUNNING WESTBOUND RUSHMORE STREET. MYSELF, DEPUTY CALLAHAN [redacted] AND SEVERAL DEPUTIES WENT IN FOOT PURSUIT AFTER HIM. THE SUSPECT RAN IN-BETWEEN TWO HOUSES ON THE NORTH SIDE OF RUSHMORE STREET. AS I ROUNDED THE CORNER ON THE WEST SIDE OF [redacted] RUSHMORE STREET, I SAW THE SUSPECT LYING FACE DOWN ON THE GROUND WITH DEPUTIES CALLAHAN, MORRIS [redacted] AND PEREZ [redacted] ON TOP OF HIM TRYING TO RESTRAIN HIM. AT THE SAME TIME THEY WERE YELLING AT HIM TO "STOP RESISTING" AND TO "PUT HIS HANDS BEHIND HIS BACK."

I SAW THAT THE SUSPECT HAD HIS HANDS ON THE GROUND ABOVE HIS HEAD. I GRABBED THE SUSPECT'S LEFT ARM AND TRIED TO PULL IT BEHIND HIS BACK TO HANDCUFF HIM. I WAS UNSUCCESSFUL. THE SUSPECT MADE HIS ARMS RIGID SO WE COULD NOT PULL HIS ARMS BEHIND HIS BACK. DEPUTY MORRIS AND CALLAHAN HIT THE SUSPECT SEVERAL TIMES ON THE SIDES OF HIS BODY IN ORDER TO MAKE HIM COMPLY. THE SUSPECT STILL REFUSED TO COMPLY AND CONTINUED RESISTING.

WITH THE HELP OF ALL THE DEPUTIES INVOLVED, WE WERE ABLE TO OVERCOME HIS RESISTANCE AND HANDCUFF HIM.

BY: CANFIELD [redacted]

APPROVED: SGT. ANDERSON # [redacted]

ASSIGNED: D.B.

SECRETARY: SC

LARCIS
__/__/__
SC

EXHIBIT F

SH-R-77 (RED TTP) REV. for WP6.0 11/94

COUNTY OF LOS ANGELES-SHERIFF'S DEPARTMENT SUPPLEMENTAL REPORT

DATE: 10-10-03/0410

FILE: 603-16486-1420-091

C: ASSAULT WITH A DEADLY WEAPON 245(c) PC/F/053

ACTION: ACTIVE/ADDITIONAL

V:

D:

S: GALAZ, FERNANDO MELENDEZ III BKG# 7870500

NARRATIVE

THE PURPOSE OF THIS SUPPLEMENTAL REPORT IS TO PROVIDE ACTIVE/ADDITIONAL INFORMATION REGARDING THE MEDICAL TREATMENT S/GALAZ RECEIVED.

AT APPROXIMATELY 0410 HRS, I TRANSPORTED S/GALAZ TO BEVERLY HOSPITAL FOR A MEDICAL EVALUATION. S/GALAZ WAS EVALUATED BY DR. ZOANNE CLACK, MD., AND TREATED FOR [redacted] DR. CLACK RELEASED S/GALAZ AND CLEARED HIM "OK TO BOOK" AT PICO RIVERA SHERIFF'S STATION.

BY: MUEHLICH [redacted]

APPROVED: SGT. ANDERSON [redacted]

ASSIGNED: D.B.

SECRETARY: Se

LARCIS
__/__/__
SC

EXHIBIT G

[redacted] 14 mow.

[redacted] - DAMAGE

- PURSUIT
- FOOT PURSUIT

2317 HRS
— KNOWN STOLEN VEHICLE

151K - 151T2 - 150S
152D

49 - CALLAHAN PURSUIT, FOOT PURSUIT
SUPP - [redacted] 245
SUPP - MORRIS FOOT PURSUIT

OJEDA T/C 4-12-80
MH BLK/BRO 5'8/145
SUSP./ GALAZ, FERNANDO MELENDEZ III
[redacted]

ARRESTED AT 2325

FORCE/

[redacted]

RT / RT.
CALLAHAN - ~~LT~~ ARM - TWO PUNCHES TO RIB AREA

DANIEL R. / LT
MORRIS - ~~RT~~ ARM - TWO PUNCHES

[redacted]

[redacted] - JABBED TWICE

CANFIELD - HANDCUFFED

ARTHUR
PEREZ - LEFT RIB AREA [redacted]

[redacted] 2304 AERO

2310 BEGAN

2331 TERMINATE

INDUSTRY'S STOLEN
603-16486-1420-091

GREGORY [redacted]
— CALLAHAN, ERIC [redacted] LT. ~~GRAH~~ JOHNSON
[redacted] 2:20 AM
CANFIELD, RICHARD
PEREZ, ARTHUR
MORRIS, DANIEL [redacted]

[redacted]

(3)

EXHIBIT H

GARAZ FERNANDO

Booking 7870500

04/12/80

FENCE

Sunflowers

GARAGE

CHAIN LINK

WOOD FENCE

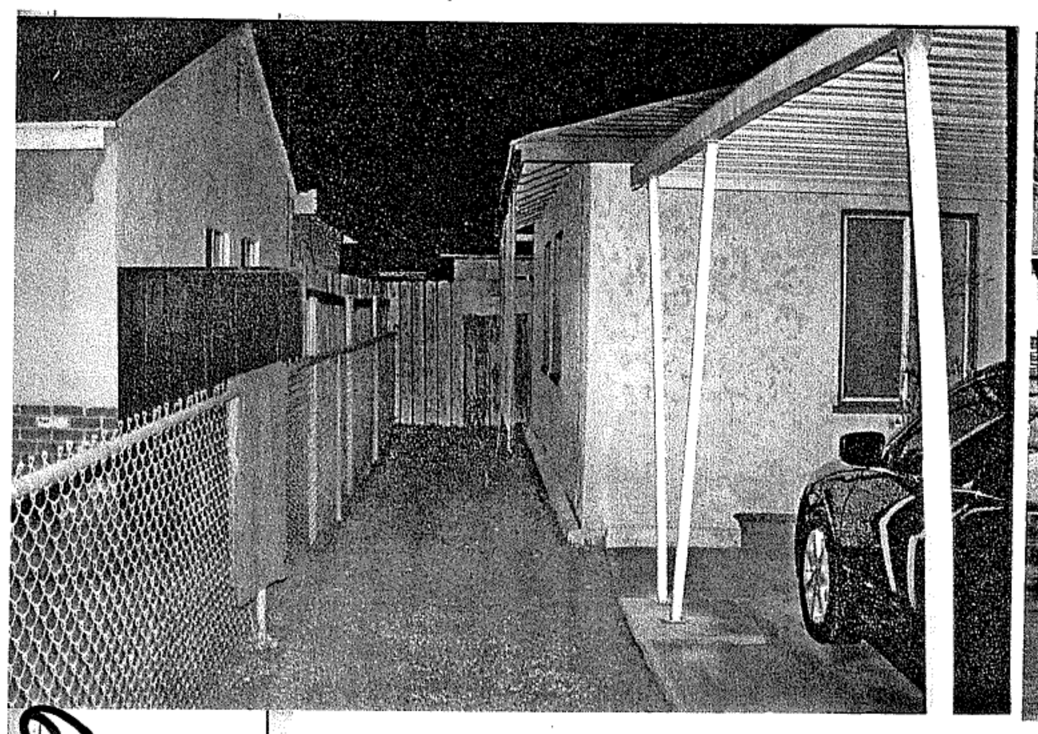
10/13/03

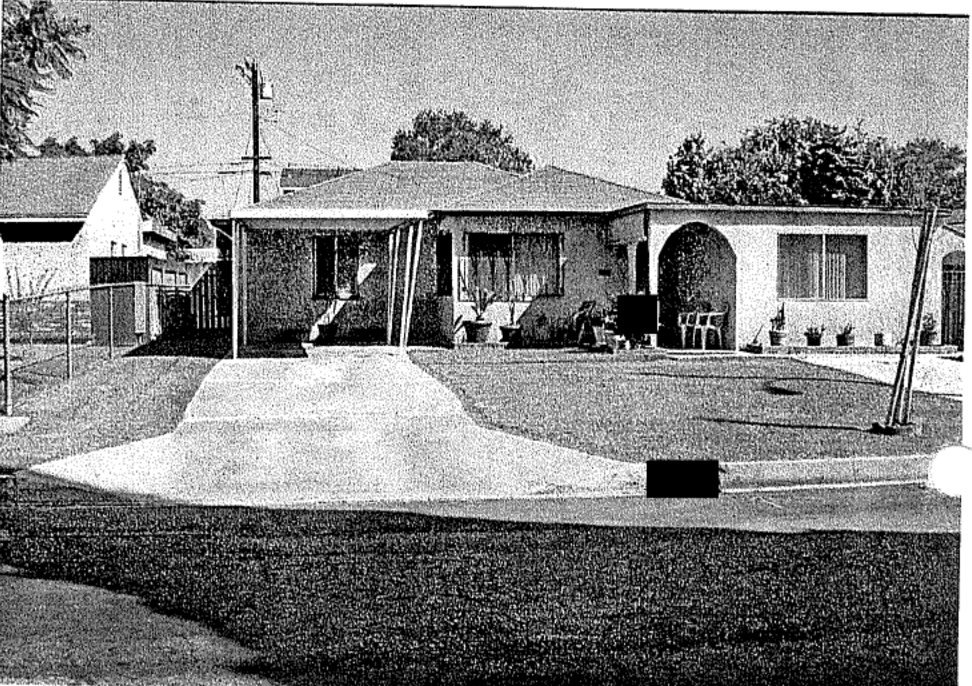
EXHIBIT I

[redacted]

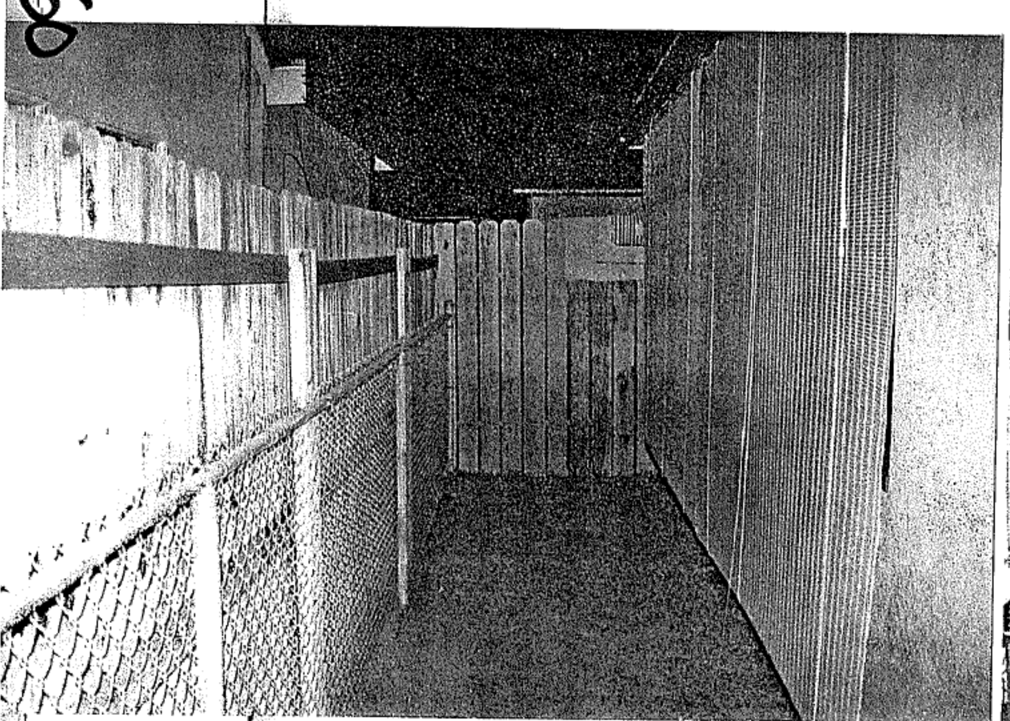
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EXHIBIT J





8



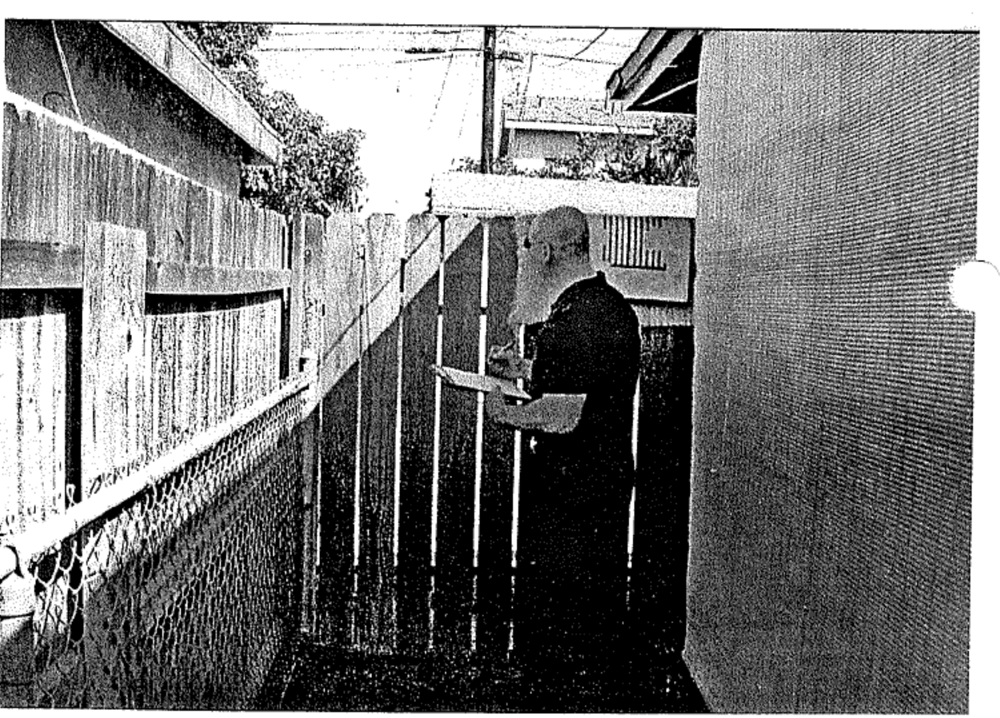
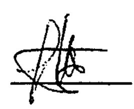


EXHIBIT K

PHOTOGRAPHIC LINE-UP ADMONITION

In a moment you will be shown a group of photographs. This group of photographs may or may not contain a picture of the person who committed the crime now being investigated. The fact that the photos are being shown to you should not cause you to believe that the guilty person has been caught. You do not have to identify anyone. It is just as important to free innocent persons from suspicion as it is to identify those who are guilty. Please keep in mind that hair styles, beards, and mustaches are easily changed. Also, photographs do not always depict the true complexion of a person, it may be lighter or darker than shown in the photo. You should pay no attention to any markings or numbers that may appear on the photos. Also pay no attention to whether the photos are in color, or black and white, or any other difference in the type or style of photograph. Please do not talk to anyone other than the officer while viewing the photos. You must make up your own mind and not be influenced by other witnesses, if any.

When you have completed viewing all the photos, please advise the officer whether you can or cannot make an identification and indicate below. If you can make an identification, please do so by number, on the form below.

 I have read the above and understand it.

______ I cannot make an identification from these photos.

[initials] I have identified a suspect. He/she is number 1.

[illegible signature]
(Signature)

[illegible]
(Officer)

11/25/03 (Date)

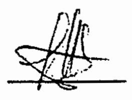
1648 (Time)

#2

PHOTOGRAPHIC LINE-UP ADMONITION

In a moment you will be shown a group of photographs. This group of photographs may or may not contain a picture of the person who committed the crime now being investigated. The fact that the photos are being shown to you should not cause you to believe that the guilty person has been caught. You do not have to identify anyone. It is just as important to free innocent persons from suspicion as it is to identify those who are guilty. Please keep in mind that hair styles, beards, and mustaches are easily changed. Also, photographs do not always depict the true complexion of a person, it may be lighter or darker than shown in the photo. You should pay no attention to any markings or numbers that may appear on the photos. Also pay no attention to whether the photos are in color, or black and white, or any other difference in the type or style of photograph. Please do not talk to anyone other than the officer while viewing the photos. You must make up your own mind and not be influenced by other witnesses, if any.

When you have completed viewing all the photos, please advise the officer whether you can or cannot make an identification and indicate below. If you can make an identification, please do so by number, on the form below.

 I have read the above and understand it.

 I cannot make an identification from these photos.

______ I have identified a suspect. He/she is number ______.

____
(Signature)

Rm Suhan
____
(Officer)

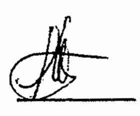
11/25/03 ______________ 1650 ______________
(Date) (Time)

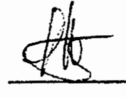
#3

PHOTOGRAPHIC LINE-UP ADMONITION

In a moment you will be shown a group of photographs. This group of photographs may or may not contain a picture of the person who committed the crime now being investigated. The fact that the photos are being shown to you should not cause you to believe that the guilty person has been caught. You do not have to identify anyone. It is just as important to free innocent persons from suspicion as it is to identify those who are guilty. Please keep in mind that hair styles, beards, and mustaches are easily changed. Also, photographs do not always depict the true complexion of a person, it may be lighter or darker than shown in the photo. You should pay no attention to any markings or numbers that may appear on the photos. Also pay no attention to whether the photos are in color, or black and white, or any other difference in the type or style of photograph. Please do not talk to anyone other than the officer while viewing the photos. You must make up your own mind and not be influenced by other witnesses, if any.

When you have completed viewing all the photos, please advise the officer whether you can or cannot make an identification and indicate below. If you can make an identification, please do so by number, on the form below.

 I have read the above and understand it.

 I cannot make an identification from these photos.

______ I have identified a suspect. He/she is number ______.

(Signature)

Ron Sykes

(Officer)

11/25/03

(Date)

1652

(Time)

#4

PHOTOGRAPHIC LINE-UP ADMONITION

In a moment you will be shown a group of photographs. This group of photographs may or may not contain a picture of the person who committed the crime now being investigated. The fact that the photos are being shown to you should not cause you to believe that the guilty person has been caught. You do not have to identify anyone. It is just as important to free innocent persons from suspicion as it is to identify those who are guilty. Please keep in mind that hair styles, beards, and mustaches are easily changed. Also, photographs do not always depict the true complexion of a person, it may be lighter or darker than shown in the photo. You should pay no attention to any markings or numbers that may appear on the photos. Also pay no attention to whether the photos are in color, or black and white, or any other difference in the type or style of photograph. Please do not talk to anyone other than the officer while viewing the photos. You must make up your own mind and not be influenced by other witnesses, if any.

When you have completed viewing all the photos, please advise the officer whether you can or cannot make an identification and indicate below. If you can make an identification, please do so by number, on the form below.

__[initials]__ I have read the above and understand it.

______ I cannot make an identification from these photos.

__[initials]__ I have identified a suspect. He/she is number __6__.

[signature]
(Signature)

Ron Seiman
(Officer)

11/25/03
(Date)

1658 Hrs
(Time)

#5

PHOTOGRAPHIC LINE-UP ADMONITION

In a moment you will be shown a group of photographs. This group of photographs may or may not contain a picture of the person who committed the crime now being investigated. The fact that the photos are being shown to you should not cause you to believe that the guilty person has been caught. You do not have to identify anyone. It is just as important to free innocent persons from suspicion as it is to identify those who are guilty. Please keep in mind that hair styles, beards, and mustaches are easily changed. Also, photographs do not always depict the true complexion of a person, it may be lighter or darker than shown in the photo. You should pay no attention to any markings or numbers that may appear on the photos. Also pay no attention to whether the photos are in color, or black and white, or any other difference in the type or style of photograph. Please do not talk to anyone other than the officer while viewing the photos. You must make up your own mind and not be influenced by other witnesses, if any.

When you have completed viewing all the photos, please advise the officer whether you can or cannot make an identification and indicate below. If you can make an identification, please do so by number, on the form below.

[initials] I have read the above and understand it.

______ I cannot make an identification from these photos.

[initials] I have identified a suspect. He/she is number 5.

[signature]
(Signature)

Ron [signature]
(Officer)

11/25/03
(Date)

1702 hrs
(Time)

EXHIBIT L



5-09/430.00 USE OF FORCE REPORTING AND REVIEW PROCEDURES

Any use of force which is greater than that required for unresisted Department-approved searching or handcuffing, including the use of oleoresin capsicum (pepper) spray, must be reported. Additionally, any use of force which results in an injury or a complaint of pain must be reported.

NOTE: The use of oleoresin capsicum spray falls under the guidelines of "less significant force." However, each use of oleoresin capsicum spray requires an immediate verbal notification to a supervisor.

Responsibilities for Reporting the Use of Force

Members shall immediately make a verbal notification to their immediate supervisor (in this section, "supervisor" refers to a minimum rank of Sergeant) in all cases in which they use reportable force. Members witnessing reportable force shall immediately advise their supervisor, who will determine whether a separate report by the witness(es) is required.

Whenever an incident involving reportable force requires a first report, all details regarding the use of force shall be included in that report. A reference to the verbal notification and the name of the supervisor to whom it was made shall be included in the first report. Each assisting member who used force, including partners, shall submit a separate supplementary report detailing his actions.

Each member reporting force in a report or memorandum shall describe in detail the actions of the suspect necessitating the use of force and the specific force used in response to the suspect's actions. Any injuries or complaint of injuries, and any medical treatment or refusal of medical treatment, shall be documented in the first report, supplementary reports or memoranda.

Transporting Suspects

Whenever a suspect upon whom force was used is transported to a medical facility for examination or treatment prior to booking or housing in a custody facility, the transporting Deputy shall immediately advise the Field Sergeant or immediate supervisor. The Sergeant shall immediately advise the Watch Commander or Supervising Lieutenant that the suspect is being treated or examined following a Deputy's use of force.

When a suspect must be transported from the field directly to County-USC Medical Center, IRC or Twin Towers for booking, the Watch Commander or Supervising Lieutenant shall arrange to conduct the prisoner interview at the booking site, according to the procedures outlined in the sub-section entitled "Watch Commander's Responsibilities."

Medical Treatment

A suspect must be transported to a medical facility for examination/treatment by qualified medical personnel whenever the person:

- Strikes his head on a hard object, or sustains a blow to the head/face, as a result of the application of force by a Deputy, regardless of how minor any injury to the head/face may appear. The Deputy transporting the suspect shall inform the doctor that the suspect was struck on the head or struck his head,
- Is restrained with a carotid restraint, or any kind of neck/throat restraint, whether or not he is

rendered unconscious. The Deputy transporting the suspect shall inform the medical staff of the fact that the suspect was restrained with a carotid restraint and whether or not he was rendered unconscious,

- Is hit with a specialized weapon projectile (such as an Arwen round, Taser dart, Stunbag, etc.),
- Is sprayed with oleoresin capsicum spray (unless qualified medical clearance is obtained in the field),
- Has injuries that appear to require medical treatment,
- Alleges any injury and requests medical treatment, whether or not he has any apparent injuries,
- Alleges that substantial force was used against him, whether or not he has any apparent injuries or requests medical treatment,
- Was wearing the electronic immobilization belt during its activation (unless qualified medical clearance is obtained in the field),
- Has the Total Appendage Restraint Procedure (TARP) applied on them (unless qualified medical clearance is obtained in the field). Refer to section 3-01/110.22 for additional information.

Any doubt regarding the need for medical treatment shall be resolved by transporting the suspect to an appropriate medical facility.

If the suspect refuses medical treatment in any of the cases previously described, he shall be transported to a medical facility and required to personally inform the medical staff of his refusal to receive medical treatment. The Deputy transporting the suspect shall include in the appropriate report or memorandum the name of the medical personnel to whom the suspect indicated his refusal and the name of the medical staff member authorizing booking at the Station or regular jail housing. In addition, an effort should be made to have the medical staff complete an admission report on the suspect and to indicate the suspect's refusal of medical treatment on that report.

If the medical staff indicates that the suspect should be treated despite his refusal, the suspect shall be transported to the County-USC Medical Center Jail Ward or to the appropriate Custody Division medical facility for treatment or medical review.

Immediate Supervisor's Responsibilities

The Field Sergeant or immediate supervisor shall respond without unnecessary delay to any incident involving reportable force, and shall immediately advise the Watch Commander or Supervising Lieutenant of any significant force incident.

Reportable force is significant when it involves any of the following:

- Suspect injury resulting from use of force,
- Complaint of pain or injury resulting from use of force,
- Indication or allegation of misconduct in the application of force,
- Any application of force that is greater than a Department-approved control hold, come-along, or take down. This includes the activation of the electronic immobilization belt or the use of the Total Appendage Restraint Procedure (TARP). Refer to section 3-01/110.22 for additional information.

In instances of significant force, the Field Sergeant or immediate supervisor shall do the following:

- Locate and interview all potential witnesses, including Department personnel, and document their statements, including those who could have witnessed but claim not to have witnessed the incident. In situations involving very large numbers of potential witnesses, the Watch Commander, or in the case of a Force/Shooting Response Team rollout, the Team Lieutenant, shall determine the appropriate scope of the witness canvass necessary to sufficiently document the force incident,

- Photograph the scene in conditions as near as possible to those at the time of the force incident, if appropriate,
- Complete a "Supervisor's Report, Use of Force" (SH-R-438) for each member who used force,
- Interview the attending physician or other qualified medical personnel, when the suspect is taken to a medical facility for examination, as to the extent and nature of the suspect's injuries, or lack thereof, and whether the injuries are consistent with the degree of force reported,
- Photograph the Deputies' injuries, if appropriate,
- In incidents involving the Total Appendage Restraint Procedure (TARP), the supervisor shall ascertain the following, if possible, and this information shall be placed in the Watch Commander's memorandum (Force Review Packet):
    - How long the subject was restrained with the TARP,
    - The emergency medical services agency that responded to the scene of the TARPing,
    - How the subject was transported and in what body position(s) they were placed during the transport,
    - The length of time of the transport phase,
    - The observations of the subject's psychological/physical condition while TARPed and during the transport phase,
    - Any alleged recent drug usage by the subject or indications by them that they suffer from cardiac or respiratory diseases (e.g., asthma, bronchitis, emphysema, etc.).

For additional information, refer to section 3-01/110.22.

If the force used falls into one of the categories requiring a Force/Shooting Response Team, the Sergeant's or immediate supervisor's function shall be limited to notifying the Watch Commander, identifying and interviewing witnesses and preserving the scene and evidence as appropriate.

Reportable force is less significant when it is limited to any of the following and there is no injury or complaint of pain nor any indication of misconduct:

- Searching and handcuffing techniques resisted by the suspect,
- Department-approved control holds, come-along, or take down,
- Use of the hobble restraint,
- Use of O.C. spray.

Use of O.C. spray is not considered significant force if it causes only discomfort and does not involve injury or lasting pain. In these cases, the Field Sergeant or immediate supervisor shall:

- Advise the Watch Commander or Supervising Lieutenant as soon as possible,
- Interview the person/prisoner if practical,
- Complete a "Supervisor's Report, Use of Force" (SH-R-438) for each member who used force and include a narrative briefly documenting the circumstances and synopsizing any statements acquired,
- Ensure distribution of the SH-R-438 as indicated on the form.

Watch Commander/Supervising Lieutenant's Responsibilities

The Watch Commander or Supervising Lieutenant shall, with extreme priority, personally examine any suspect/inmate on whom significant force has been used and interview him regarding the incident. When interviewing suspects/inmates regarding use of force incidents, the Watch Commander shall ask the person if he has any injuries, the nature of the injuries, and if he wants medical treatment. These questions must be asked whether or not the suspect/inmate has any apparent injuries. (Refer to the section entitled "Medical Treatment" for required treatment.) If the suspect is taken to a medical facility for examination or treatment, the Watch Commander shall ensure that a supervisor interviews the examining physician or qualified medical personnel as to the extent of the injuries, or lack thereof, and whether the injuries are consistent with the degree of force reported.

The Watch Commander/Supervising Lieutenant shall tape-record the interview of the suspect/inmate and, if appropriate, photograph him, paying particular attention to any known or alleged areas of injury. (Obtain suspect consent for photographing injuries hidden by clothing.) The Watch Commander/Supervising Lieutenant should also consider video-taping the interview when appropriate.

The Watch Commander/Supervising Lieutenant shall submit a force review package (see subsection entitled "Force Review Package") to the Unit Commander as soon as possible detailing the results of his review and his recommendation as to whether further action or investigation is warranted.

Requesting a Force/Shooting Response Team

The Watch Commander/Supervising Lieutenant is responsible for immediately notifying the on-call Internal Affairs Bureau Lieutenant in any of the following situations involving force or allegations thereof:

- Hospitalizations due to injuries caused or allegedly caused by any Department member,
- Skeletal fractures caused or allegedly caused by any Department member,
- Significant force used by any Department member during or following a vehicular or foot pursuit,
- All large party situations where force is used,
- Injury or complaint of injury to a person's head, or neck area, resulting in medical evaluation and/or treatment, following contact with any Department member. (This does not apply to contamination due to O.C. spray.),
- All head strikes with impact weapons,
- Canine bites resulting in medical treatment,
- Any death following a contact with any Department member,
- Injury or complaint of injury to a person's head, as a result of his or her head striking an object, i.e., wall, door jam, metal bars, etc., due to force used by a Department member or as the result of accidental circumstances.

The Internal Affairs Bureau Lieutenant shall determine whether the response of a Force/Shooting Response Team is appropriate. If a response team is to be sent, the Internal Affairs Bureau Lieutenant shall direct the Watch Commander/Supervising Lieutenant as to whether to conduct a suspect/inmate interview.

The Watch Commander/Supervising Lieutenant shall immediately notify the Unit Commander of any incident requiring a Force/Shooting response. (See section entitled "Activation of Force/Shooting Response Teams.")

In any situation in which a response team responds to conduct a force review, the Watch Commander/Supervising Lieutenant shall cooperate with and assist team personnel in conducting the review. Neither the Watch Commander/Supervising Lieutenant nor the Sergeant shall conduct a suspect/inmate interview unless directed to do so by the Internal Affairs Bureau Lieutenant. A Unit level force review package shall not be submitted on any force incident which is documented by Force/Shooting Response Team personnel who have responded to the scene.

Watch Sergeant/Line Sergeant's Responsibilities

Sergeants approving reports shall ensure that all pertinent information is contained in the crime report. Particular attention should be given to the description of the use of force and the suspect's actions compelling the use of force.

After approving reports involving the use of force, the Sergeant shall ensure that a photocopy of the approved crime report is forwarded immediately to the concerned Watch Commander for inclusion in the force review package.

Force Review Package

The Watch Commander/Supervising Lieutenant shall prepare and submit a force review package to the Unit Commander for all reviews of significant force not conducted by a Force/Shooting Response Team. The force review package shall include the following items:

- Watch Commander's memorandum to the Unit Commander detailing the findings of the use of force review, including an explanation of the incident, witness/suspect statements and qualified medical personnel's statement. Additionally, in instances of the Total Appendage Restraint Procedure (TARP) being applied, the TARP-related information obtained from the immediate supervisor, as outlined in the Immediate Supervisor's Responsibilities subsection, shall be documented in the memorandum. For additional information, refer to section 3-01/110.22,
- Supervisor's Reports, Use of Force,
- Copy of SH-R 49 and related supplemental reports,
- Copy of in-service rosters for the concerned shift(s),
- Copy of medical reports,
- Photographs or video-tape of suspect's injuries or areas of alleged injury (copies of booking photographs may also provide excellent documentation),
- Tape-recording or video-tape of Watch Commander's interview of suspect, inmate and/or witnesses,
- Tape recording of the Sergeant's/Supervisor's witness interviews,
- Any related material which is deemed significant or serves to further document the incident, such as dispatch or complaint telephone tapes, other photos, etc.

The force review package shall be forwarded to the Unit Commander for approval. Force review package material is to be retained at the Unit level until further notice.

Unit Commander's Responsibilities

The Unit Commander shall evaluate all force review packages and the Watch Commander/Supervising Lieutenant's findings concerning the use of force. The Unit Commander shall determine if further action or investigation is necessary. If further investigation is warranted, he may either initiate an administrative investigation or request an investigation by the Internal Criminal Investigations Bureau. The Unit Commander shall ensure that the member(s) who used force are notified as soon as possible in any case requiring further investigation.

In all use of force incidents wherein the on-call IAB Lieutenant is notified or when a suspect or prisoner is transported to a hospital for medical treatment, the Unit Commander shall forward copies of the following documents to both the Division Chief and the Internal Affairs Bureau within three business days:

- The Watch Commander/Supervising Lieutenant's detailed memos,
- The "Supervisor's Reports, Use of Force,"
- All related SH-R 49 reports.

The Unit Commander is also responsible for ensuring the additional distribution of the Supervisor's Reports, Use of Force as follows:

- Original to Training Division Headquarters,

- Copy with Force Review Package,
- Copy to employee.

Division Chief's Responsibilities

The Division Chief shall, within three business days of receipt, review all use of force incidents in which a suspect or prisoner is transported to a medical facility for treatment. The Division Chief shall note his concurrence with the Unit level force review on the documents and return them to the Unit for retention in the Unit file. In the event that the Division Chief does not concur, he may specify to the Unit Commander the additional steps necessary to satisfactorily complete the package or notify the Unit Commander of Internal Affairs Bureau and request an administrative investigation by Internal Affairs Bureau.

Internal Affairs Bureau Responsibilities

Internal Affairs Bureau personnel shall, within three business days of receipt, review all Unit level force review package documents forwarded by the Unit Commander. The purpose of the IAB review is to ensure that a disinterested, experienced investigator examines the incident in terms of policy adherence, potential liability and completeness of documentation. The reviewing IAB investigator shall notify the IAB Captain of any incident in which he feels further documentation or investigation is appropriate. The IAB Captain will in turn notify the Chief of the Leadership and Training Division and the concerned Unit Commander. The Chief of the LTD will notify the concerned Division Chief of any IAB request for further documentation or investigation.

Revised 05/19/03
Revised 07/12/02
Revised 04/15/02
Revised 10/29/99

EXHIBIT M

SECTION IV
MISCELLANEOUS

Schram, Ron W

From: Kusch, Roderick A.
Sent: Friday, October 17, 2003 9:03 AM
To: Schram, Ron W
Subject: FW: Internal Criminal Investigation Request

Ron,

Please print this e-mail and retain in the file...

Thanks,

Rod K

-----Original Message-----
From: Rodriguez, Juan (Captain)
Sent: Wednesday, October 15, 2003 6:29 PM
To: Ng, Arthur
Cc: Kusch, Roderick A.; Angel, Thomas P.
Subject: Internal Criminal Investigation Request

The purpose of this e-mail is to request a criminal investigation regarding the actions of deputy personnel assign to Pico Rivera Station . The actions in question involve the use of force after the termination of a vehicle and foot pursuit on October 10 , 2003 .

Deputies Involved :


[redacted] # [redacted]
Eric Callahan # [redacted]
Richard Canfield # [redacted]

Juan Rodriguez, Captain
Commander Pico Rivera Station

Schram, Ron W

From: Kusch, Roderick A.
Sent: Friday, October 17, 2003 3:20 PM
To: Schram, Ron W
Subject: FW: Request for criminal investigation

Ron,

Mike is the Acting Captain at Safe Streets...please print this for your file as well...

Thanks,

Rod K

-----Original Message-----
From: Ford, Michael A.
Sent: Friday, October 17, 2003 3:07 PM
To: Ng, Arthur
Cc: Amico, Peter G.; Kusch, Roderick A.
Subject: Request for criminal investigation

The purpose of this e-mail is to request a criminal investigation regarding the actions of deputy personnel assigned to Safe Streets Bureau. the actions in questionb involve an alleged use of force at the termination of a vehicle and foot pursuit. on October 10, 2003.

Deputies Involved:



Daniel Morris [redacted]
Arthur Perez [redacted]

Michael Ford, A/Captain
Safe Streets Bureau

EXHIBIT B

EXHIBIT C

7870500 GALAZ FERNANDO

LOS ANGELES COUNTY JAIL
BOOKING AND PROPERTY RECORD [redacted]

[redacted]

STATION RECORDS

BOOKING NO: 7870500
LOC BKD: PRV
DR LIC NO: [redacted] / CA
ARRESTEE'S NAME (LAST, FIRST, MIDDLE): GALAZ, FERNANDO MELENDEZ III
ADDRESS: [redacted]
CITY: [redacted]
SEX: M
DESCENT: H
HAIR: BLK
EYES: BRO
HEIGHT: 5'08
WEIGHT: 175
BIRTHDATE: 4-12-80
AGE: 23
VEH LIC NO: [redacted]
STATE:
RPT DIST: 1513
AKA/NICKNAME: "FERNIE"
BIRTHPLACE: CA
FILE NO: 603-16486-1420-091
AD CHG: Y
AG'Y OR DETAIL ARRESTING: 1501
DATE & TIME ARRESTED: 10/10/03, 2325
TIME BKD: 0032
LOCATION OF ARREST: [redacted] RUSHMORE ST, PRV
TOTAL BAIL: 50,000
CHARGE: 245(c) ADW (VEHICLE) ON PEACE OFFICER
WARR./COMM. NO: —
JAIL LOC: PRV
ARRAIGN DATE: 10-15-03
TIME: 0830
COURT: WHITTIER

LENGTH OF TIME RESIDED AT PRESENT RESIDENCE:
LENGTH OF TIME RESIDED WITHIN STATE:
LENGTH OF TIME EMPLOYED BY PRESENT EMPLOYER:
MARITAL STATUS:
NUMBER OF DEPENDENTS: AGES:
MISDEMEANOR DISPOSITION BY:
REASON:
HOLD
CITE

FOREIGN NATIONAL
☐ YES
☒ NO
☐ REF

FULL BAIL NO WARRANT

PRISONER'S SIGNATURE WHEN BOOKED: [signature]

SOC SEC NO: [redacted]
OBSERVABLE PHYSICAL ODDITIES: 1" SCAR OVER RT EYEBROW, 4" BROWN BIRTHMARK ON RT CHEEK AT JAW
OCCUPATION: WAREHOUSE LABORER
EMPLOYER (FIRM OR PERSON'S NAME, CITY & PHONE NO.): UNEMPLOYED
SPECIAL MEDICAL PROBLEM: NONE
CLOTHING WORN: WHT T-SHIRT, BLK L/S SHIRT, BLUE SHORTS, WHT SHOES
LOCATION OR DISPOSITION OF VEHICLE: NITE 'N' DAY TOW
IN CASE OF EMERGENCY NOTIFY (NAME, RELATIONSHIP, ADDRESS, CITY & PHONE NO.): [redacted]
ARRESTING OFFICER: CALLAHAN [redacted]
BOOKING EMPLOYEE: MUEHLICH [redacted] OJEDA F
SEARCHING OFFICER: →
TRANSPORTING OFFICER: →
CASH RETAINED: 0
PROPERTY: CLOTHING WORN
PRISONER'S SIG. FOR REC'T. OF FOREGOING CASH & PROPERTY: [signature]
CASH DEPOSITED: 0
PROPERTY: BROWN LEATHER BELT, MOTOROLA CELL PHONE
PRISONER'S SIG. FOR REC'T. OF REMAINING CASH & PROPERTY: X

76B650B-SH-J-293 5/94

JAI
Main [redacted]

CII
FBI [redacted]

lml
10/11/03

COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT
ADDITIONAL CHARGES AND HOLDS RECORD

BOOKING NO.	NAME (BOOKED AS)	DATE	TIME
7870500	FERNANDO MELENDEZ GALAZ III	10/10/03	0048

RACE	SEX	NAME (ON WARRANT OR CHARGE BEING PLACED)	AGE	BIRTHDATE
H	M	SAME AS ABOVE	23	04-12-80

WARRANT NUMBER	COURT * SHOW RD OR CITY OF OCCURRENCE	DATE OF ISSUANCE	CHARGE (CODE NO. & DEFINITION)	BAIL-INCL. PENALTY	ARRAIGNMENT: DATE	TIME	COURT	CHECK IF IN-CUSTODY CRIME
	WHITTIER * 1515		10851 VC /F/ TAKING VEH w/o OWNERS CONSENT	20,000				
	WHITTIER * 1515		23103 (A) VC /M RECKLESS DRIVING	5000				
	WHITTIER * 1515		2800.2 (A) VC /M EVADING PEACE OFFICER	35,000				
	*							

A CHECK IN THIS COLUMN INDICATES A HOLD HAS BEEN PLACE AGAINST YOU ON AUTHORITY OF AN OUT-OF-COUNTY WARRANT.

YOU ARE HEREBY NOTIFIED UNDER THESE CIRCUMSTANCES YOU MAY REQUEST A COURT APPEARANCE IN THIS COUNTY FOR THE PURPOSE OF BEING ADMITTED TO BAIL ON THE CHARGE SET FORTH ON THE OUT-OF-COUNTY WARRANT. IF YOU DESIRE A COURT APPEARANCE FOR THIS PURPOSE, NOTIFY YOUR JAILER. (821 & 822 P.C.)

UNIT OR AGENCY PLACING ADDITIONAL CHARGE OR HOLD:	SIGNATURE OF OFFICER PLACING CHARGE OR HOLD:		TOTAL BAIL-INCLUDING PENALTY
LASD/PRV	OJEDA [redacted]	60,000	←

LEFT THUMB	RIGHT THUMB

THUMBPRINTS REQUIRED

CII # ____________________

RECORD BUREAU

76A248S -SH - CR435 - REV. 3/96

LOS ANGELES COUNTY JAIL

COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT
ADDITIONAL CHARGES AND HOLDS RECORD

BOOKING NO.	NAME (BOOKED AS)	DATE	TIME
7870500	FERNANDO MELENDEZ GALAZ III	10-10-03	0048

RACE	SEX	NAME (ON WARRANT OR CHARGE BEING PLACED)	AGE	BIRTHDATE
H	M	SAME AS ABOVE	23	04-12-80

WARRANT NUMBER	COURT * SHOW RD OR CITY OF OCCURRENCE	DATE OF ISSUANCE	CHARGE (CODE NO. & DEFINITION)	BAIL-INCL. PENALTY	ARRAIGNMENT: DATE	TIME	COURT	CHECK IF IN-CUSTODY CRIME
WHVA07 802901	*		11377(A)HS/F	0				
CITKA0 5466002	*		11377(A)HS/F	0				
	*							
	*							

↸ A CHECK IN THIS COLUMN INDICATES A HOLD HAS BEEN PLACE AGAINST YOU ON AUTHORITY OF AN OUT-OF-COUNTY WARRANT.

YOU ARE HEREBY NOTIFIED UNDER THESE CIRCUMSTANCES YOU MAY REQUEST A COURT APPEARANCE IN THIS COUNTY FOR THE PURPOSE OF BEING ADMITTED TO BAIL ON THE CHARGE SET FORTH ON THE OUT-OF-COUNTY WARRANT. IF YOU DESIRE A COURT APPEARANCE FOR THIS PURPOSE, NOTIFY YOUR JAILER. (821 & 822 P.C.)

UNIT OR AGENCY PLACING ADDITIONAL CHARGE OR HOLD:	SIGNATURE OF OFFICER PLACING CHARGE OR HOLD:		TOTAL BAIL-INCLUDING PENALTY
LASD / PRV	OJEDA [redacted]	NO BAIL	←

LEFT THUMB	RIGHT THUMB

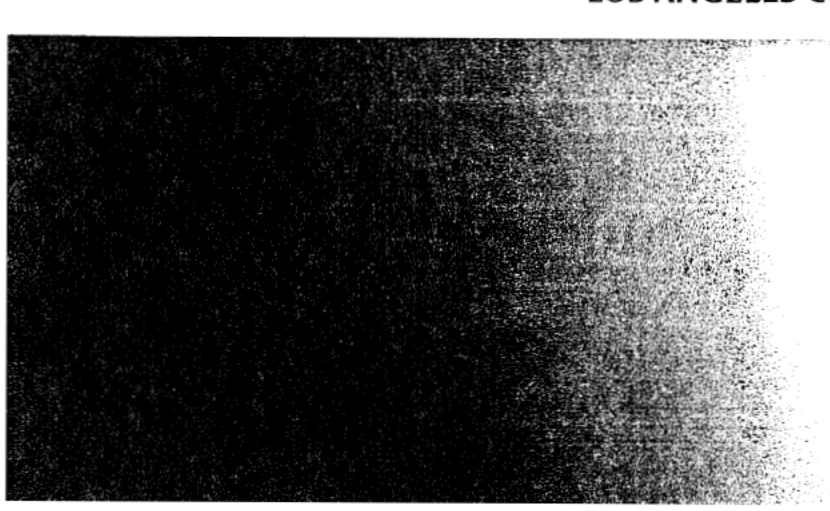
THUMBPRINTS REQUIRED

CII # ____________________

RECORD BUREAU

76A248S -SH - CR435 - REV. 3/96

LOS ANGELES COUNTY JAIL



LOS ANGELES COUNTY BOOKING AND PROPERTY RECORD

	YES	NO	UNK
FOREIGN NATIONAL			
PCD SUBMITTED			

BOOKING NO.: 7870500
OCA NO:

SID NO.:
LOC. BKD.: PRV
DL LIC. NO. / STATE: [redacted] [redacted]
ALIEN #:

SUSPECT PHOTO - FRONT W/O GLASSES

ARRESTEE'S NAME (LAST, FIRST, MIDDLE): GALAZ, FERNANDO MELENDEZ
HOME PHONE: [redacted]

ADDRESS: [redacted] [redacted]

SEX	DESCENT	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE	AGE
M	H	BLK	BRO	508	175	04-12-1980	23

VEH. LIC. NO. ST.: [redacted]
RPT. DIST: 1515
AKA/NICKNAME: MONIKER, FERNIE

BIRTHPLACE: CA
FILE NO.: 603164861420091
MONIKER: FERNIE
AD. CHG: Y

AG'Y. OR DETAIL ARRESTING: 1501
DATE & TIME ARRESTED: 10-10-2003 2325
TIME BKD.: 0232

LOCATION OF ARREST: [redacted] RUSHMORE ST, PICO RIVERA
TOTAL BAIL: NO BAIL

CHARGE: 245(C) / PC / F
ADW NOT F/ARM:PO/FIRE:GBI
WARR./COMM. NO.:

JAIL LOC.: PRV
ARRAIGN DATE:
TIME:
COURT:
PRISONER'S SIGNATURE WHEN BOOKED: X

SOC. SEC. NO.: [redacted]
OBSERVABLE PHYSICAL ODDITIES:
OCCUPATION: WAREHOUSE

EMPLOYER (FIRM OR PERSON'S NAME, CITY & PHONE NO.): UNEMPLOYED
SPECIAL MEDICAL PROBLEM: NONE

CLOTHING WORN: WHT T SHIRT BLUE SHORT BLK LS
LOCATION OR DISPOSITION OF VEHICLE:

IN CASE OF EMERGENCY NOTIFY (NAME, RELATIONSHIP, ADDRESS, CITY & PHONE NO.): [redacted]

ARRESTING OFFICER: CALLAHAN [redacted]
BOOKING EMPLOYEE: OJEDA [redacted]
SEARCHING OFFICER: MUEHLICH [redacted]
TRANSPORTING OFFICER:

CASH RETAINED: 0.00
PROPERTY: CLOTHING WORN

PRISONER'S SIG. FOR REC'T OF FOREGOING CASH & PROPERTY: X

CASH DEPOSITED: 0.00
PROPERTY: BELT, CELL PHONE

5701LD #1xprv1 20031011-02:57

PRISONER'S SIG FOR REC'T OF REMAINING CASH & PROPERTY: X

RIGHT FOUR IN | RIGHT THUMB IN | RIGHT THUMB OUT | RIGHT FOUR OUT

[redacted]

7870500 GALAZ FERNANDO

LOS ANGELES COUNTY JAIL

BOOKING AND PROPERTY RECORD

[redacted]

BOOKING NO.	LOC. BKD.	DR. LIC. NO.	STATE	
7870500	PRV	[redacted]	[redacted]	1

ARRESTEE'S NAME (LAST, FIRST, MIDDLE): GALAZ, FERNANDO MELENDEZ III — 2

ADDRESS	CITY	SEX	
[redacted]	[redacted]	M	3

DESCENT	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE	AGE	
H	BLK	BRO	5'8	175	4-12-80	23	4

VEH. LIC. NO.	STATE	RPT. DIST.	AKA/NICKNAME	
[redacted]		1513	"FERNIE"	5

BIRTHPLACE	FILE NO.	AD CHG	
CA	603-16486-1420-091	Y	6

AG'Y. OR DETAIL ARRESTING	DATE & TIME ARRESTED	TIME BKD.	
1501	10/10/03, 2325	0032	7

LOCATION OF ARREST	TOTAL BAIL	
[redacted] RUSHMORE ST, PRV	50,000	8

CHARGE	WARR./COMM. NO.	
245(c)/ ADW (VEHICLE) ON PEACE OFFICER	—	9

JAIL LOC.	ARRAIGN. DATE	TIME	COURT
PRV	10-15-03	0830	WHITTIER

SOC. SEC. NO.	OBSERVABLE PHYSICAL ODDITIES	
[redacted]	1" SCAR OVER RT EYEBROW; 4" BROWN BIRTHMARK ON RT CHEEK AT JAW	

EMPLOYER (FIRM OR PERSON'S NAME, CITY & PHONE NO.): UNEMPLOYED

CLOTHING WORN: WHT T-SHIRT, BLK L/S SHIRT, BLUE SHORTS, WHT SHOES

LOCATION OR DISPOSITION OF VEHICLE: NITE 'N' DAY TOW — 13

IN CASE OF EMERGENCY NOTIFY (NAME, RELATIONSHIP, ADDRESS, CITY & PHONE NO.): [redacted] — 14

ARRESTING OFFICER	BOOKING EMPLOYEE	SEARCHING OFFICER	TRANSPORTING OFFICER	
CALLAHAN [redacted]	MUENLICH [redacted] / OJEDA H [redacted]	→	→	15

CASH RETAINED	PROPERTY	
Ø	CLOTHING WORN	16

PRISONER'S SIG. FOR REC'T. OF FOREGOING CASH & PROPERTY: X [signature] — 17

CASH DEPOSITED	PROPERTY	
Ø	BROWN LEATHER BELT, MOTOROLA CELL PHONE	18

19

PRISONER'S SIG. FOR REC'T. OF REMAINING CASH & PROPERTY: X — 20

STATION RECORDS

LENGTH OF TIME RESIDED AT PRESENT RESIDENCE

LENGTH OF TIME RESIDED WITHIN STATE

LENGTH OF TIME EMPLOYED BY PRESENT EMPLOYER

MARITAL STATUS

NUMBER OF DEPENDENTS — AGES

HOLD — CITE

MISDEMEANOR DISPOSITION BY

REASON

FOREIGN NATIONAL ☐ YES ☐ NO ☐ REF

1 PER FEL NON ADD'L WARRANT

PRISONER'S SIGNATURE WHEN BOOKED: X [signature] — 10

OCCUPATION: WAREHOUSE LABORER — 11

SPECIAL MEDICAL PROBLEM: NONE — 12

76B650B-SH-J-293 5/94

JAI Main [redacted]

CII FBI [redacted]

lml 10/11/03

LOS ANGELES COUNTY BOOKING AND PROPERTY RECORD

	YES	NO	UNK
FOREIGN NATIONAL			
PCD SUBMITTED			

BOOKING NO.: 7870500

OCA NO.:

SID NO.:

LOC. BKD.: PRV

DL LIC. NO. STATE: [redacted] [redacted]

ALIEN #:

ARRESTEE'S NAME (LAST, FIRST, MIDDLE): GALAZ, FERNANDO MELENDEZ

HOME PHONE: [redacted]

ADDRESS: [redacted]

SEX	DESCENT	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE	AGE
M	H	BLK	BRO	508	175	04-12-1980	23

VEH. LIC. NO. ST.: [redacted]

RPT. DIST.: 1515

AKA/NICKNAME: MONIKER, FERNIE

BIRTHPLACE: CA

FILE NO.: 603164861420091

MONIKER: FERNIE

AD. CHG: Y

AG'Y. OR DETAIL ARRESTING: 1501

DATE & TIME ARRESTED: 10-10-2003 2325

TIME BKD.: 0232

LOCATION OF ARREST: [redacted] RUSHMORE ST, PICO RIVERA

TOTAL BAIL: NO BAIL

CHARGE: 245(C) / PC / F
ADW NOT F/ARM:PO/FIRE:GBI

WARR./COMM. NO.:

SUSPECT PHOTO - FRONT W/O GLASSES

JAIL LOC.: PRV

ARRAIGN DATE:

TIME:

COURT:

PRISONER'S SIGNATURE WHEN BOOKED: X

SOC. SEC. NO.: [redacted]

OBSERVABLE PHYSICAL ODDITIES:

OCCUPATION: WAREHOUSE

EMPLOYER (FIRM OR PERSON'S NAME, CITY & PHONE NO.): UNEMPLOYED

SPECIAL MEDICAL PROBLEM: NONE

CLOTHING WORN: WHT T SHIRT BLUE SHORT BLK LS

LOCATION OR DISPOSITION OF VEHICLE:

IN CASE OF EMERGENCY NOTIFY (NAME, RELATIONSHIP, ADDRESS, CITY & PHONE NO.): [redacted]

ARRESTING OFFICER: CALLAHAN [redacted]

BOOKING EMPLOYEE: OJEDA [redacted]

SEARCHING OFFICER: MUEHLICH [redacted]

TRANSPORTING OFFICER:

CASH RETAINED: 0.00

PROPERTY: CLOTHING WORN

PRISONER'S SIG. FOR REC'T. OF FOREGOING CASH & PROPERTY: X

CASH DEPOSITED: 0.00

PROPERTY: BELT, CELL PHONE

5701LD #lxprv1 20031011-02:57

PRISONER'S SIG. FOR REC'T. OF REMAINING CASH & PROPERTY: X

RIGHT FOUR IN	RIGHT THUMB IN	RIGHT THUMB OUT	RIGHT FOUR OUT

COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT
ADDITIONAL CHARGES AND HOLDS RECORD

BOOKING NO.	NAME (BOOKED AS)	DATE	TIME
7870500	FERNANDO MELENDEZ GALAZ III	10/10/03	0048

RACE	SEX	NAME (ON WARRANT OR CHARGE BEING PLACED)	AGE	BIRTHDATE
H	M	SAME AS ABOVE	23	04-12-80

WARRANT NUMBER	COURT * SHOW RD OR CITY OF OCCURRENCE	DATE OF ISSUANCE	CHARGE (CODE NO. & DEFINITION)	BAIL-INCL. PENALTY	ARRAIGNMENT: DATE	TIME	COURT	CHECK IF IN-CUSTODY CRIME
	WHITTIER * 1515		10851 VC /F/ TAKING VEH w/o OWNERS CONSENT	20,000				
	WHITTIER * 1515		23103 (A) VC /M RECKLESS DRIVING	5000				
	WHITTIER * 1515		2800.2 (A) VC /M EVADING PEACE OFFICER	35,000				
	*							

A CHECK IN THIS COLUMN INDICATES A HOLD HAS BEEN PLACE AGAINST YOU ON AUTHORITY OF AN OUT-OF-COUNTY WARRANT.

YOU ARE HEREBY NOTIFIED UNDER THESE CIRCUMSTANCES YOU MAY REQUEST A COURT APPEARANCE IN THIS COUNTY FOR THE PURPOSE OF BEING ADMITTED TO BAIL ON THE CHARGE SET FORTH ON THE OUT-OF-COUNTY WARRANT. IF YOU DESIRE A COURT APPEARANCE FOR THIS PURPOSE, NOTIFY YOUR JAILER. (821 & 822 P.C.)

UNIT OR AGENCY PLACING ADDITIONAL CHARGE OR HOLD:	SIGNATURE OF OFFICER PLACING CHARGE OR HOLD:		TOTAL BAIL-INCLUDING PENALTY
LASD/PRV	OJEDA [redacted]	60,000	←

LEFT THUMB	RIGHT THUMB

THUMBPRINTS REQUIRED

CII # ______________________

RECORD BUREAU

76A248S -SH - CR435 - REV. 3/96

LOS ANGELES COUNTY JAIL

COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT
ADDITIONAL CHARGES AND HOLDS RECORD

BOOKING NO.	NAME (BOOKED AS)	DATE	TIME
7870500	FERNANDO MELENDEZ GALAZ III	10-10-03	0048

RACE	SEX	NAME (ON WARRANT OR CHARGE BEING PLACED)	AGE	BIRTHDATE
H	M	SAME AS ABOVE	23	04-12-80

WARRANT NUMBER	COURT * SHOW RD OR CITY OF OCCURRENCE	DATE OF ISSUANCE	CHARGE (CODE NO. & DEFINITION)	BAIL-INCL. PENALTY	ARRAIGNMENT: DATE	TIME	COURT	CHECK IF IN-CUSTODY CRIME
WHVA07 802901	*		11377(A)HS/F	0				
CITKA0 5466002	*		11377(A)HS/F	0				
	*							
	*							

A CHECK IN THIS COLUMN INDICATES A HOLD HAS BEEN PLACE AGAINST YOU ON AUTHORITY OF AN OUT-OF-COUNTY WARRANT.

YOU ARE HEREBY NOTIFIED UNDER THESE CIRCUMSTANCES YOU MAY REQUEST A COURT APPEARANCE IN THIS COUNTY FOR THE PURPOSE OF BEING ADMITTED TO BAIL ON THE CHARGE SET FORTH ON THE OUT-OF-COUNTY WARRANT. IF YOU DESIRE A COURT APPEARANCE FOR THIS PURPOSE, NOTIFY YOUR JAILER. (821 & 822 P.C.)

UNIT OR AGENCY PLACING ADDITIONAL CHARGE OR HOLD:	SIGNATURE OF OFFICER PLACING CHARGE OR HOLD:		TOTAL BAIL-INCLUDING PENALTY
LASD/PRV	OJEDA [redacted]	NO BAIL	←

LEFT THUMB	RIGHT THUMB

THUMBPRINTS REQUIRED

CII # ____________________

RECORD BUREAU

76A248S -SH - CR435 - REV. 3/96

LOS ANGELES COUNTY JAIL

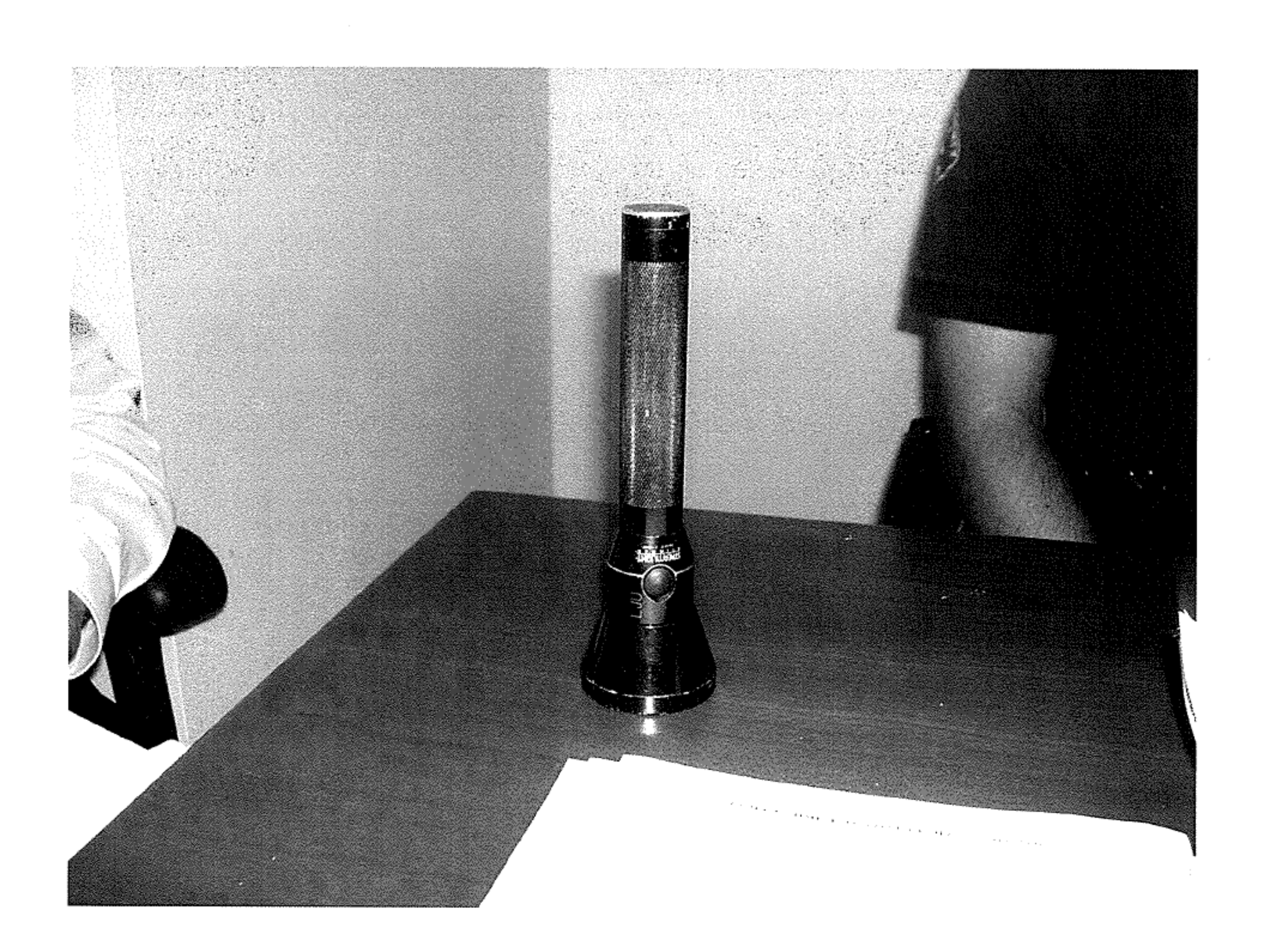
EXHIBIT D

COPY OF VIDEO TAPE OF NEWS FOOTAGE OF THE PURSUIT RELATED TO THIS INCIDENT
(Video tape held at Internal Affairs Bureau)

IV2101944
FO2143164

EXHIBIT D

EXHIBIT E



DEPUTY [redacted] FLASHLIGHT

EXHIBIT F

A/2300 TO 2317 CONVERSATIONS B/T PRV UNITS & AERO RE: LO JACK HIT. I WAS ON A PIRE CHK.

A/2317 TO A/2331 VENICE PURSUIT A 7:56 MINUTES INTO PURSUIT ADW ON DEP [redacted] & [redacted] ([redacted])

A/B/T 2331 & 2345 REQUEST 150S TO 10-21 (REVIEW TAPE FOR CORRECT TIME)

A/0000 CONVERSATIONS W/ W515 MORRIS/PEREZ

A/0003 CONVERSATION W/ DEP [redacted] BOTH WANT TO KNOW WHY I CANCELLED THEIR INVOLVEMENT IN PURSUIT.

DEBRIEFING: PURSUIT REASON FOR PURSUIT TO CONTINUE & WHY I CANCELLED W515 & [redacted] MENTION CALLAHAN TO READ & APPROVE ALL SUPPL. SIDE NOTE MAKE COMMENT REPORT FORCE.



HEAD DOWN NO EYE CONTACT
W/ DEPS RAISED RED FLAG.

INTERVIEWED S/ DISCOUNTED
ALLEGATIONS BEING STRUCK IN
FACE, SIDES OF FACE, BACK OF
HEAD NO VISIBLE INJURIES
RAISED SHIRT & SAW TWO
CIRCULAR MARKS I REC FROM
A FLASHLIGHT. BLOODY NOSE
EXPLAINED BY S/ P HITTING STEERING
WHEEL.

DIRECT SGT TO TALK TO DEPS OF
DISCREPENCIES

NEW DEPS. RPTG FORCE
GROTE PRESENT

SGT [redacted] INTERVIEWS S/ ON
VIDEO & SAID I WAS HIT
IN UPPER TORSO W/ FLASHLIGHT
WHILE HANDCUFFED

COPY

NEW PROBLEM [redacted]
USE OF FORCE STRIKING S
WHILE HANDCUFFED

DIRECT SGT [redacted] TO TALK
TO DEP [redacted]

SGT [redacted] COMES BACK TO
ME & SAID [redacted] WANTS
TO TALK TO YOU (LT).

A/ CALLED INITIALLY TO CAPT
RE: PRELIM FINDINGS

A/ CALLED A SECOND TIME
WITH NEW INFO.

A/ 4/55 & SGT CALLED HOME &
LEFT MESSAGE

0500 MESSAGE PHONE

0510 CALLED HOME WIFE
ANSWERED

B/T 0003 & 0345 THE FOLLOWING OCCURS

0345 CONVERSATION W/ [redacted] GIVE HIM 30 MIN TO CONTACT REP.

0415 EXPLAINS CONTACTED ALADS EXCHANGE EXCHANGE TO NOTIFY REP. REP CALLS DESK HANGS UP DIRECTED TO CONTACT REP & RETURN AT 0430

0430 EXERCISE RIGHT TO REP.

151 CALLAHAN EXP
151T2 CANFIELD

LO JACK HIT

2317 GROTS

0220

2318 30 mph

2319 30 mph

[redacted]

2319:34 20 mph

2320 20 mph

2321 20 mph

2321:49 VERIFIED # OF CARS

2322 15-20 mph

2323 25-30 mph

14 MIN.

2323:40 NO TRAFFIC

2324 245 P.O. 152B

2325 30 MPH

2326

2328

2329

2349 HUGHES TRAFFIC SERVICES

SPIKE STRIP

2330 25-30 mph

2331 TERMINATED IN CRASH

2331 FOOT PURSUIT - 10-15

AIR 23

2337 SGT GROTS NOTIFYING SHB
& TRAFFIC SERVICES

APPROX MILES 7

CHIEF'S MEMO CALLAHAN.wpd



MISCELLANEOUS DOCUMENTS

761551N25A-SH-AD32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE December 7, 2004

OFFICE CORRESPONDENCE

FILE NO. 403-00076-2003-054

FROM: SANDRA HUTCHENS, CHIEF
OFFICE OF HOMELAND SECURITY

MARVIN O. CAVANAUGH, CHIEF
FIELD OPERATIONS REGION III

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **REQUEST FOR IAB INVESTIGATION**

Subject's name, employee number and unit of assignment:

Daniel Morris, Deputy, #[redacted] Safe Streets Bureau
[redacted]

Incident Date:

October 11, 2003

Date the Captain or Director, or above, knew that an administrative investigation should be initiated:

September 22, 2004 (the District Attorney's Office declined to file charges based on a criminal investigation submitted by ICIB)

Potential MPP Violations:

5-09/430.00	Use of Force Reporting and Review Procedures
3-01/025.10	Unreasonable Force
3-01/025.00	Use of Force
3-01/050.10	Performance to Standards

INTERNAL AFFAIRS BUREAU
Rec ived
DEC 9 2004
L.A. COUNTY SHERIFF

Complainant's Name:

Captain Michael Ford, Safe Streets Bureau
Captain Irma Becerra, Pico Rivera Station

Reasons for IAB request:

Witnesses are spread over a large geographic area.
The Subject is a supervisor or manager.

Contact for source documents at the requesting unit:

Lieutenant George Zagurski, Safe Streets Bureau
Lieutenant Michael Rothans, Pico Rivera Station

Prepared by:
Unit Commander or Director:

A/Captain Michael Ford, Safe Streets Bureau

Notes: This incident was investigated by ICIB, Sergeant Ron Schram. Initially IAB investigators Sergeants William Hines and Elier Morejon responded to Pico Rivera Station regarding an immediate IAB investigation.

For IAB use only

Assigning Lieutenant______________________________

IAB Investigator__________________________________

Relieved of Duty Yes No

761551N25A-SH-AD32A (2/72)

IV 210 / 944

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE November 4, 2004

OFFICE CORRESPONDENCE

FILE NO. 403-00076-2003-054

FROM: SANDRA HUTCHENS, CHIEF
OFFICE OF HOMELAND SECURITY

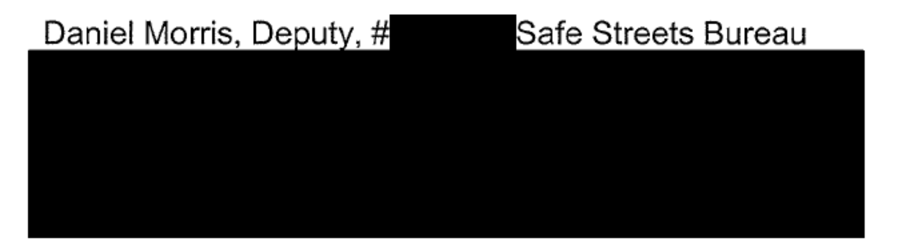
MARVIN O. CAVANAUGH, CHIEF
FIELD OPERATIONS REGION III

TO: ERIC B. SMITH, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **REQUEST FOR IAB INVESTIGATION**

Subject's name, employee number and unit of assignment:

Daniel Morris, Deputy, #[redacted] Safe Streets Bureau


[redacted]

Incident Date:

October 11, 2003

Date the Captain or Director, or above, knew that an administrative investigation should be initiated:

September 22, 2004 (the District Attorney's Office declined to file charges based on a criminal investigation submitted by ICIB)

Potential MPP Violations:

5-09/430.00	Use of Force Reporting and Review Procedures
3-01/025.10	Unreasonable Force
3-01/025.00	Use of Force
3-01/050.10	Performance to Standards

Complainant's Name:

A/Captain Michael Ford, Safe Streets Bureau
Captain Irma Becerra, Pico Rivera Station

Reasons for IAB request:

Witnesses are spread over a large geographic area.
The Subject is a supervisor or manager.

Contact for source documents at the requesting unit:

Lieutenant George Zagurski, Safe Streets Bureau
Lieutenant Michael Rothans, Pico Rivera Station

Prepared by:
Unit Commander or Director:

A/Captain Michael Ford, Safe Streets Bureau

Notes: This incident was investigated by ICIB, Sergeant Ron Schram. Initially IAB investigators Sergeants William Hines and Elier Morejon responded to Pico Rivera Station regarding an immediate IAB investigation.

For IAB use only

Assigning Lieutenant________________________________

IAB Investigator_____________________________________

Relieved of Duty Yes No

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE October 23, 2003

OFFICE CORRESPONDENCE

FILE NO.

FROM: DAVID R. BETKEY, A/CHIEF
OFFICE OF HOMELAND SECURITY

TO: ERIC B. SMITH, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **REQUEST FOR IAB INVESTIGATION AND/OR CRIMINAL MONITOR**

Subject's name, employee number, and unit of assignment:

Daniel Morris, Deputy, #[redacted] Safe Streets Bureau

[redacted]

Incident Date(s):

October 11, 2003

Date the Captain or Director, or above, knew that an administrative investigation should be initiated:

October 11, 2003

Potential MPP Violation(s):

5-09/430.00 Use of Force Reporting and Review Procedures

3-01/025.10 Unreasonable Force

3-01/025.00 Use of Force

Complainant's Name (and employee number if a Department member):

Captain Peter Amico

Reason(s) for IAB Request:

* mandatory IAB investigation
+ these cases should be referred to the Department's Ombudsperson for initial assessment prior to being referred to IAB

- [ ] Witnesses are spread over a large geographic area.
- [ ] The nature of the allegations(s) involves incidents of high media attention.
- [ ] The Subject is a supervisor or manager.
- [ ] The allegation(s), if founded, may result in discharge. *
- [ ] The allegation(s) concern sexual harassment. *+
- [ ] The allegation(s) concern racial discrimination. *+
- [ ] The allegation(s) concern gender discrimination or hostile work environment. *+
- [ ] The allegation(s) concern family/domestic violence. *
- [ ] The allegation(s) concern workplace violence. *
- [x] Criminal Monitor (indicate investigating agency and crime).

ICIB is the investigating

- [ ] Other:

Contact for source documents at the requesting unit:

Lieutenant George Zagurski

Prepared by:
Unit Commander or Director:

Michael Ford, A/Captain

E-Mail to IAB Investigation Requests

For IAB use only

Assigning Lieutenant JOHNSON

IAB Investigator ~~LANDRETH~~ ~~Reddington~~ HINES

Relieved of Duty YES NO

[redacted]

[redacted]

SUBJECT ADMINISTRATIVE RIGHTS ADMONITION

(Sworn and Non-Sworn)

I am Sergeant William Hines and this is Sergeant Elier Morejon of the Internal Affairs Bureau which is commanded by Captain Karyn Mannis

You are about to be questioned as part of an official Los Angeles County Sheriff's Department administrative investigation.

Do you have a Policy and Ethics Chapter of the Manual of Policy and Procedures? [A] Yes [ ] No
Are you familiar with its contents? [A] Yes [ ] No

You are specifically reminded that Policy and Ethics Sections 3-01/040.70 and 3-01/040.75 require that you make full, complete and truthful statements. Any refusal to do so may result in your discharge or other punitive action.

This investigation includes but is not limited to:

3-01/025.10 Unreasonable Force
3-01/030.10 Obedience to Laws, Regulations, and Orders
5-09/430.00 Use of Force Reporting and Review Procedures

If this were a criminal investigation, any statements you made could be used against you in a court of law. Since this is an administrative investigation, neither your statements nor any information or evidence which is gained by such statements can be used against you in any subsequent criminal proceedings. However, these statements may be used against you in subsequent administrative actions.

You are being ordered to answer questions specifically related to the performance of your official duties and/or conduct as related to your employment with the Department.

You have the right to remain silent and you have the right to the presence and assistance of counsel. You are hereby notified that although you have the right to remain silent, failure to answer questions related to this administrative investigation may result in your discharge or other punitive action.

You have the right to have a representative of your choice, who is not involved in this investigation, present with you during your interview. You may tape record this interview if you wish. You are being ordered NOT to discuss the facts of this case or any of the issues discussed during the interview. ________

The above admonition has been explained to me and I understand its contents.

Date: **December 10, 2004** File Number: **IV 2101944**

Subject: ________ (Signature) DANIEL MORRIS (Print) [redacted] (Employee #)

Investigator: ________ (Signature) **SERGEANT WILLIAM HINES** (Print) [redacted] (Employee #)

SUBJECT ADMINISTRATIVE RIGHTS ADMONITION

(Sworn and Non-Sworn)

I am Sergeant William Hines and this is Sergeant Elier Morejon of the Internal Affairs Bureau which is commanded by Captain Karyn Mannis.

You are about to be questioned as part of an official Los Angeles County Sheriff's Department administrative investigation.

Do you have a Policy and Ethics Chapter of the Manual of Policy and Procedures? [X] Yes [ ] No
Are you familiar with its contents? [X] Yes [ ] No

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This investigation includes but is not limited to:

3-01/025.10 Unreasonable Force
3-01/030.10 Obedience to Laws, Regulations and Orders
5-09/430.00 Use of Force Reporting and Review Procedures

If this were a criminal investigation, any statements you made could be used against you in a court of law. Since this is an administrative investigation, neither your statements nor any information or evidence which is gained by such statements can be used against you in any subsequent criminal proceedings. However, these statements may be used against you in subsequent administrative actions.

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You have the right to have a representative of your choice, who is not involved in this investigation, present with you during your interview. You may tape record this interview if you wish. You are being ordered NOT to discuss the facts of this case or any of the issues discussed during the interview.

The above admonition has been explained to me and I understand its contents.

Date: **March 2, 2005** File Number: **IV 2101944**

Subject: [signature] DANIEL MORRIS [redacted]
(Signature) (Print) (Employee #)

Investigator: [signature] **SERGEANT WILLIAM HINES** [redacted]
(Signature) (Print) (Employee #)

FACSIMILE COVER SHEET

Los Angeles County Sheriff's Department
Internal Affairs Bureau
4900 So. Eastern Avenue, Suite 100
Commerce, California 90040
Fax [redacted]

DATE: 12-7-03

This fax consists of 2 pages including this cover sheet.

TO: Peggy - Green & Shinee

FROM: Sgt. Hines

SUBJECT:

COMMENTS:

Rev. 02/01/00 vca

Confirmation Report — Memory Send

Page : 001
Date & Time: Dec-07-2004 01:57pm
Line 1 : [redacted]
Line 2 :
Machine ID : INTERNAL AFFAIRS BUREAU

Job number	:	213
Date	:	Dec-07 01:56pm
To	:	[redacted]
Number of pages	:	002
Start time	:	Dec-07 01:56pm
End time	:	Dec-07 01:57pm
Pages sent	:	002
Status	:	OK

Job number : 213 *** SEND SUCCESSFUL ***



FACSIMILE COVER SHEET

Los Angeles County Sheriff's Department
Internal Affairs Bureau
4900 So. Eastern Avenue, Suite 100
Comm[redacted] Calif[redacted] 90040
Fax [redacted]
[redacted]

DATE: 12-7-03

This fax consists of 2 pages including this cover sheet.

TO: Peggy - Green & Shinee

FROM: Sgt. Hines

SUBJECT:

COMMENTS:

Rev. 02/01/00 vcs

RECEIPT FOR COPY OF
ADMINISTRATIVE INVESTIGATION

I have received the following investigation materials relating to IAB CASE NO. **IV 2101944**:

1. Transcriptions for Subjects Daniel Morris, [redacted]

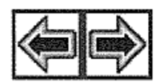
Received By:

James C. Brady
Print name

Signature: Jim C Brady Date: 2/23/05

Witnessed By:

Signature: Fae McLea Date: 2/23/05



3-01/030.10 OBEDIENCE TO LAWS, REGULATIONS, AND ORDERS

a) Members shall not willfully violate any federal statute, state law or local ordinance,

b) Members shall conform to and abide by the following:

- Charter of Los Angeles County,
- Los Angeles County Code,
- Rules of the Department of Human Resources,

c) Members shall obey and properly execute all lawful orders issued by any supervisor of higher rank or classification or who is officially acting in such capacity,

d) When assigned to duty with another member of the Department, an employee shall be subject to disciplinary action for any violation by the other member of any provision of this chapter unless the employee was unaware of the violation or unless the employee, if the situation permits safe and prudent action, attempts in good faith to prevent the violation and, at the earliest reasonable time, reports the violation to his supervisor,

e) Members, who violate any rules, regulations, or policies of the Department or the County, shall be subject to disciplinary action. The commission or omission of any other act contrary to good order and discipline shall also be the subject of disciplinary action,

f) Members, who are arrested for any offense, other than an infraction under the Vehicle Code, shall promptly notify their immediate supervisor of the facts of the arrest.

According to the nature of the offense and in conformance with the rules of the Department of Human Resources, disciplinary action may include, but is not limited to, the following:

- A reprimand (written),
- Suspension without pay,
- Reduction in rank,
- Dismissal from the Department.

Revised 02/22/99



5-09/430.00 USE OF FORCE REPORTING AND REVIEW PROCEDURES

Any use of force which is greater than that required for unresisted Department-approved searching or handcuffing, including the use of oleoresin capsicum (pepper) spray, must be reported. Additionally, any use of force which results in an injury or a complaint of pain must be reported.

NOTE: The use of oleoresin capsicum spray falls under the guidelines of "less significant force." However, each use of oleoresin capsicum spray requires an immediate verbal notification to a supervisor.

Responsibilities for Reporting the Use of Force

Members shall immediately make a verbal notification to their immediate supervisor (in this section, "supervisor" refers to a minimum rank of Sergeant) in all cases in which they use reportable force. Members witnessing reportable force shall immediately advise their supervisor, who will determine whether a separate report by the witness(es) is required.

Whenever an incident involving reportable force requires a first report, all details regarding the use of force shall be included in that report. A reference to the verbal notification and the name of the supervisor to whom it was made shall be included in the first report. Each assisting member who used force, including partners, shall submit a separate supplementary report detailing his actions.

Each member reporting force in a report or memorandum shall describe in detail the actions of the suspect necessitating the use of force and the specific force used in response to the suspect's actions. Any injuries or complaint of injuries, and any medical treatment or refusal of medical treatment, shall be documented in the first report, supplementary reports or memoranda.

Transporting Suspects

Whenever a suspect upon whom force was used is transported to a medical facility for examination or treatment prior to booking or housing in a custody facility, the transporting Deputy shall immediately advise the Field Sergeant or immediate supervisor. The Sergeant shall immediately advise the Watch Commander or Supervising Lieutenant that the suspect is being treated or examined following a Deputy's use of force.

When a suspect must be transported from the field directly to County-USC Medical Center, IRC or Twin Towers for booking, the Watch Commander or Supervising Lieutenant shall arrange to conduct the prisoner interview at the booking site, according to the procedures outlined in the sub-section entitled "Watch Commander's Responsibilities."

Medical Treatment

A suspect must be transported to a medical facility for examination/treatment by qualified medical personnel whenever the person:

- Strikes his head on a hard object, or sustains a blow to the head/face, as a result of the application of force by a Deputy, regardless of how minor any injury to the head/face may appear. The

Deputy transporting the suspect shall inform the doctor that the suspect was struck on the head or struck his head,
- Is restrained with a carotid restraint, or any kind of neck/throat restraint, whether or not he is rendered unconscious. The Deputy transporting the suspect shall inform the medical staff of the fact that the suspect was restrained with a carotid restraint and whether or not he was rendered unconscious,
- Is hit with a specialized weapon projectile (such as an Arwen round, Taser dart, Stunbag, etc.),
- Is sprayed with oleoresin capsicum spray (unless qualified medical clearance is obtained in the field),
- Has injuries that appear to require medical treatment,
- Alleges any injury and requests medical treatment, whether or not he has any apparent injuries,
- Alleges that substantial force was used against him, whether or not he has any apparent injuries or requests medical treatment,
- Was wearing the electronic immobilization belt during its activation (unless qualified medical clearance is obtained in the field),
- Has the Total Appendage Restraint Procedure (TARP) applied on them (unless qualified medical clearance is obtained in the field). Refer to section 3-01/110.22 for additional information.

Any doubt regarding the need for medical treatment shall be resolved by transporting the suspect to an appropriate medical facility.

If the suspect refuses medical treatment in any of the cases previously described, he shall be transported to a medical facility and required to personally inform the medical staff of his refusal to receive medical treatment. The Deputy transporting the suspect shall include in the appropriate report or memorandum the name of the medical personnel to whom the suspect indicated his refusal and the name of the medical staff member authorizing booking at the Station or regular jail housing. In addition, an effort should be made to have the medical staff complete an admission report on the suspect and to indicate the suspect's refusal of medical treatment on that report.

If the medical staff indicates that the suspect should be treated despite his refusal, the suspect shall be transported to the County-USC Medical Center Jail Ward or to the appropriate Custody Division medical facility for treatment or medical review.

Immediate Supervisor's Responsibilities

The Field Sergeant or immediate supervisor shall respond without unnecessary delay to any incident involving reportable force, and shall immediately advise the Watch Commander or Supervising Lieutenant of any significant force incident.

Reportable force is significant when it involves any of the following:

- Suspect injury resulting from use of force,
- Complaint of pain or injury resulting from use of force,
- Indication or allegation of misconduct in the application of force,
- Any application of force that is greater than a Department-approved control hold, come-along, or take down. This includes the activation of the electronic immobilization belt or the use of the Total Appendage Restraint Procedure (TARP). Refer to section 3-01/110.22 for additional information.

In instances of significant force, the Field Sergeant or immediate supervisor shall do the following:

- Locate and interview all potential witnesses, including Department personnel, and document their statements, including those who could have witnessed but claim not to have witnessed the incident. In situations involving very large numbers of potential witnesses, the Watch Commander, or in the case of a Force/Shooting Response Team rollout, the Team Lieutenant, shall determine the appropriate scope of the witness canvass necessary to sufficiently document the force incident,
- Photograph the scene in conditions as near as possible to those at the time of the force incident, if appropriate,
- Complete a "Supervisor's Report, Use of Force" (SH-R-438) for each member who used force,
- Interview the attending physician or other qualified medical personnel, when the suspect is taken to a medical facility for examination, as to the extent and nature of the suspect's injuries, or lack thereof, and whether the injuries are consistent with the degree of force reported,
- Photograph the Deputies' injuries, if appropriate,
- In incidents involving the Total Appendage Restraint Procedure (TARP), the supervisor shall ascertain the following, if possible, and this information shall be placed in the Watch Commander's memorandum (Force Review Packet):
    - How long the subject was restrained with the TARP,
    - The emergency medical services agency that responded to the scene of the TARPing,
    - How the subject was transported and in what body position(s) they were placed during the transport,
    - The length of time of the transport phase,
    - The observations of the subject's psychological/physical condition while TARPed and during the transport phase,
    - Any alleged recent drug usage by the subject or indications by them that they suffer from cardiac or respiratory diseases (e.g., asthma, bronchitis, emphysema, etc.).

For additional information, refer to section 3-01/110.22.

If the force used falls into one of the categories requiring a Force/Shooting Response Team, the Sergeant's or immediate supervisor's function shall be limited to notifying the Watch Commander, identifying and interviewing witnesses and preserving the scene and evidence as appropriate.

Reportable force is less significant when it is limited to any of the following and there is no injury or complaint of pain nor any indication of misconduct:

- Searching and handcuffing techniques resisted by the suspect,
- Department-approved control holds, come-along, or take down,
- Use of the hobble restraint,
- Use of O.C. spray.

Use of O.C. spray is not considered significant force if it causes only discomfort and does not involve injury or lasting pain. In these cases, the Field Sergeant or immediate supervisor shall:

- Advise the Watch Commander or Supervising Lieutenant as soon as possible,
- Interview the person/prisoner if practical,
- Complete a "Supervisor's Report, Use of Force" (SH-R-438) for each member who used force and include a narrative briefly documenting the circumstances and synopsizing any statements acquired,
- Ensure distribution of the SH-R-438 as indicated on the form.

Watch Commander/Supervising Lieutenant's Responsibilities

The Watch Commander or Supervising Lieutenant shall, with extreme priority, personally examine any suspect/inmate on whom significant force has been used and interview him regarding the incident. When interviewing suspects/inmates regarding use of force incidents, the Watch Commander shall ask the person if he has any injuries, the nature of the injuries, and if he wants medical treatment. These questions must be asked whether or not the suspect/inmate has any apparent injuries. (Refer to the section entitled "Medical Treatment" for required treatment.) If the suspect is taken to a medical facility for examination or treatment, the Watch Commander shall ensure that a supervisor interviews the examining physician or qualified medical personnel as to the extent of the injuries, or lack thereof, and whether the injuries are consistent with the degree of force reported.

The Watch Commander/Supervising Lieutenant shall tape-record the interview of the suspect/inmate and, if appropriate, photograph him, paying particular attention to any known or alleged areas of injury. (Obtain suspect consent for photographing injuries hidden by clothing.) The Watch Commander/Supervising Lieutenant should also consider video-taping the interview when appropriate.

The Watch Commander/Supervising Lieutenant shall submit a force review package (see subsection entitled "Force Review Package") to the Unit Commander as soon as possible detailing the results of his review and his recommendation as to whether further action or investigation is warranted.

Requesting a Force/Shooting Response Team

The Watch Commander/Supervising Lieutenant is responsible for immediately notifying the on-call Internal Affairs Bureau Lieutenant in any of the following situations involving force or allegations thereof:

- Hospitalizations due to injuries caused or allegedly caused by any Department member,
- Skeletal fractures caused or allegedly caused by any Department member,
- Significant force used by any Department member during or following a vehicular or foot pursuit,
- All large party situations where force is used,
- Injury or complaint of injury to a person's head, or neck area, resulting in medical evaluation and/or treatment, following contact with any Department member. (This does not apply to contamination due to O.C. spray.),
- All head strikes with impact weapons,
- Canine bites resulting in medical treatment,
- Any death following a contact with any Department member,
- Injury or complaint of injury to a person's head, as a result of his or her head striking an object, i.e., wall, door jam, metal bars, etc., due to force used by a Department member or as the result of accidental circumstances.

The Internal Affairs Bureau Lieutenant shall determine whether the response of a Force/Shooting Response Team is appropriate. If a response team is to be sent, the Internal Affairs Bureau Lieutenant shall direct the Watch Commander/Supervising Lieutenant as to whether to conduct a suspect/inmate interview.

The Watch Commander/Supervising Lieutenant shall immediately notify the Unit Commander of any incident requiring a Force/Shooting response. (See section entitled "Activation of Force/Shooting Response Teams.")

In any situation in which a response team responds to conduct a force review, the Watch Commander/Supervising Lieutenant shall cooperate with and assist team personnel in conducting the review. Neither the Watch Commander/Supervising Lieutenant nor the Sergeant shall conduct a suspect/inmate interview unless directed to do so by the Internal Affairs Bureau Lieutenant. A Unit level force review package shall not be submitted on any force incident which is documented by Force/Shooting Response Team personnel who have responded to the scene.

Watch Sergeant/Line Sergeant's Responsibilities

Sergeants approving reports shall ensure that all pertinent information is contained in the crime report. Particular attention should be given to the description of the use of force and the suspect's actions compelling the use of force.

After approving reports involving the use of force, the Sergeant shall ensure that a photocopy of the approved crime report is forwarded immediately to the concerned Watch Commander for inclusion in the force review package.

Force Review Package

The Watch Commander/Supervising Lieutenant shall prepare and submit a force review package to the Unit Commander for all reviews of significant force not conducted by a Force/Shooting Response Team. The force review package shall include the following items:

- Watch Commander's memorandum to the Unit Commander detailing the findings of the use of force review, including an explanation of the incident, witness/suspect statements and qualified medical personnel's statement. Additionally, in instances of the Total Appendage Restraint Procedure (TARP) being applied, the TARP-related information obtained from the immediate supervisor, as outlined in the Immediate Supervisor's Responsibilities subsection, shall be documented in the memorandum. For additional information, refer to section 3-01/110.22,
- Supervisor's Reports, Use of Force,
- Copy of SH-R 49 and related supplemental reports,
- Copy of in-service rosters for the concerned shift(s),
- Copy of medical reports,
- Photographs or video-tape of suspect's injuries or areas of alleged injury (copies of booking photographs may also provide excellent documentation),
- Tape-recording or video-tape of Watch Commander's interview of suspect, inmate and/or witnesses,
- Tape recording of the Sergeant's/Supervisor's witness interviews,
- Any related material which is deemed significant or serves to further document the incident, such as dispatch or complaint telephone tapes, other photos, etc.

The force review package shall be forwarded to the Unit Commander for approval. Force review package material is to be retained at the Unit level until further notice.

Unit Commander's Responsibilities

The Unit Commander shall evaluate all force review packages and the Watch Commander/Supervising Lieutenant's findings concerning the use of force. The Unit Commander shall determine if further action or investigation is necessary. If further investigation is warranted, he may either initiate an administrative investigation or request an investigation by the Internal Criminal Investigations Bureau.

The Unit Commander shall ensure that the member(s) who used force are notified as soon as possible in any case requiring further investigation.

In all use of force incidents wherein the on-call IAB Lieutenant is notified or when a suspect or prisoner is transported to a hospital for medical treatment, the Unit Commander shall forward copies of the following documents to both the Division Chief and the Internal Affairs Bureau within three business days:

- The Watch Commander/Supervising Lieutenant's detailed memos,
- The "Supervisor's Reports, Use of Force,"
- All related SH-R 49 reports.

The Unit Commander is also responsible for ensuring the additional distribution of the Supervisor's Reports, Use of Force as follows:

- Original to Training Division Headquarters,
- Copy with Force Review Package,
- Copy to employee.

Division Chiefs Responsibilities

The Division Chief shall, within three business days of receipt, review all use of force incidents in which a suspect or prisoner is transported to a medical facility for treatment. The Division Chief shall note his concurrence with the Unit level force review on the documents and return them to the Unit for retention in the Unit file. In the event that the Division Chief does not concur, he may specify to the Unit Commander the additional steps necessary to satisfactorily complete the package or notify the Unit Commander of Internal Affairs Bureau and request an administrative investigation by Internal Affairs Bureau.

Internal Affairs Bureau Responsibilities

Internal Affairs Bureau personnel shall, within three business days of receipt, review all Unit level force review package documents forwarded by the Unit Commander. The purpose of the IAB review is to ensure that a disinterested, experienced investigator examines the incident in terms of policy adherence, potential liability and completeness of documentation. The reviewing IAB investigator shall notify the IAB Captain of any incident in which he feels further documentation or investigation is appropriate. The IAB Captain will in turn notify the Chief of the Leadership and Training Division and the concerned Unit Commander. The Chief of the LTD will notify the concerned Division Chief of any IAB request for further documentation or investigation.

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3-01/025.00 USE OF FORCE

This section reinforces the Department's Core Values concerning reverence for human life.

Force is defined as any physical effort used to control or restrain another, or to overcome the resistance of another.

Department members are authorized to use only that amount of force that is objectively reasonable to perform their duties. "Objectively reasonable" means that Department members shall evaluate each situation requiring the use of force in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, or the danger to the community, in determining the necessity for force and the appropriate level of force. Department members maintain the right to self-defense and Deputy personnel have a duty to protect the lives of others.



3-01/025.10 UNREASONABLE FORCE

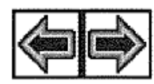
Department members shall use only that force which is objectively reasonable. Unreasonable force is that force that is unnecessary or excessive given the circumstances presented to Department members at the time the force is applied. Unreasonable force is prohibited. The use of unreasonable force will subject Department members to discipline and/or prosecution.

Head strikes with an impact weapon are prohibited unless circumstances justify the use of deadly force.



3-01/040.70 FALSE STATEMENTS

Members shall not make false statements when questioned, interviewed or in reports submitted.



3-01/050.10 PERFORMANCE TO STANDARDS

Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner which will tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department.

Incompetence may be demonstrated by:

- A lack of knowledge of the application of laws required to be enforced,
- An unwillingness or inability to perform assigned tasks,
- Failure to conform to work standards established for the member's rank or position,
- Failure to take appropriate action on the occasion of a crime, disorder or other condition deserving police attention,
- Absence without leave,
- Unnecessary absence from an assigned area during a tour of duty.

In addition to the above, the following will be considered to be prima facie evidence of incompetence:

- Repeated poor evaluations,
- A written record of repeated infractions of the Department's rules, regulations, manuals or directives.



3-01/040.97 SAFEGUARDING PERSONS IN CUSTODY

Members having in their custody any person under arrest or detention shall properly safeguard such person and his property.